

RESOLUTION NO. 3590

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE 2015-2023 MONTE SERENO
HOUSING ELEMENT**

WHEREAS, the City of Monte Sereno has prepared a Housing Element for the 2015-2023 period in accordance with State Government Code 65580-65589.8; and

WHEREAS, adoption of the 2015-2023 Housing Element constitutes an amendment to the Monte Sereno General Plan and is defined as a “project” under the California Environmental Quality Act (CEQA) and is thus subject to environmental review; and

WHEREAS, the City retained the consulting firm Freitas + Freitas Engineering and Planning Consultants to prepare an Initial Study of the proposed 2015-2023 Housing Element and to determine whether a negative declaration or Environmental Impact Report should be prepared; and

WHEREAS, after completion of the Initial Study, on April 15, 2015 the City issued a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2015-2023 Housing Element, published the Notice of Intent in the San Jose Post Record on April 17, 2015, and circulated the Mitigated Negative Declaration (MND) for public review; and

WHEREAS, although the MND identified potentially significant adverse environmental effects that could result if the 2015-2023 Housing Element were adopted, all significant adverse environmental effects will be avoided or mitigation by the implementation of the mitigation

measures as set forth in the Mitigation Monitoring and Reporting Program prepared for the MND; and

WHEREAS, the Monte Sereno City Council conducted a duly and properly noticed public hearing on May 19, 2015, and fully reviewed and considered the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program attached as Exhibit A to this resolution.

NOW THEREFORE, BE IT RESOLVED BY THE MONTE SERENO CITY COUNCIL AS FOLLOWS:

A. The facts and information contained in the above Recitals are true and correct and are incorporated herein by this reference.

B. The City Council has considered the Mitigated Negative Declaration together with any comments received during the public review process.

C. The Mitigated Negative Declaration reflects the City's independent judgment and analysis. The City Council hereby adopts the Mitigated Negative Declaration attached to this Resolution as Exhibit A, finding, on the basis of the whole record before it, including without limitation the Initial Study, any comments received, and the Mitigation Monitoring and Reporting Program, that there is no substantial evidence that the 2015-2023 Housing Element will have a significant effect on the environment.

D. All potentially significant adverse environmental effects will be avoided or mitigated by the implementation of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program included in Exhibit A. The City Council hereby adopts the Mitigation Monitoring and Reporting Program.

E. The location and custodian of the documents that constitute the record of proceedings on which the City's action is based are: City of Monte Sereno Community Development Department, 18041 Saratoga-Los Gatos Road, Monte Sereno, CA 95030.

F. The adoption of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program shall be effective immediately upon adoption of this Resolution.

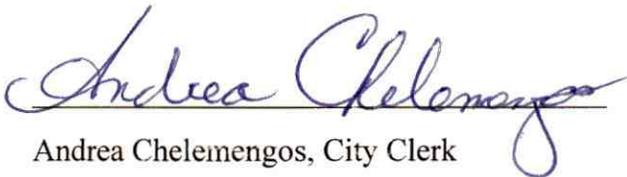
PASSED, APPROVED AND ADOPTED this 19th day of May 2015 by the following vote:

AYES-	Council Members Allan, Anstandig, Craig, Garner and Mayor Huff
NOES-	None
ABSENT-	None
ABSTENTION-	None



Walter Huff, MAYOR

ATTEST:



Andrea Chelemengos, City Clerk

City of Monte Sereno 2015-2023 Housing Element

City of Monte Sereno Initial Study and Mitigated Negative Declaration

Lead Agency and Contact Person

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April 6, 2015

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1.0 INTRODUCTION AND STATUTORY AUTHORITY

The City of Monte Sereno's Housing Element comprises one of the required General Plan Elements mandated by the State of California. The Project is the 2015-2023 Housing Element Update and is described in more detail in Section 2.

In accordance with CEQA (Public Resources Code Sections 21000-21177) and pursuant to Section 15063 (Initial Study) of Title 14 of the California Code of Regulations (CCR), the City of Monte Sereno, acting in the capacity of the lead agency, is required to undertake the preparation of an Initial Study to determine whether the Project may have a significant environmental impact. If, as a result of the Initial Study, the lead agency finds that there is substantial evidence of a fair argument that the Project may cause a significant environmental effect, an Environmental Impact Report (EIR) must be prepared. Alternatively, if the lead agency finds that there is no substantial evidence of a fair argument that the Project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the lead agency must prepare a negative declaration or mitigated negative declaration for the Project.

The environmental documents review is intended to provide environmental information to be considered when the City takes discretionary action on the Project.

A Negative Declaration is subject to a public review period. During this review, comments on the document relative to environmental issues should be addressed to the City. Following review of any comments received, the City will consider these comments as a part of the Project's environmental review and include them with the Initial Study documentation for consideration by the City.

1.1 REFERENCE DOCUMENTATION

The following references were utilized during preparation of this Initial Study and are incorporated into this document by reference. These documents are available for public review at City Hall, located at 18041 Saratoga-Los Gatos Road, Monte Sereno, CA. These documents were used as reference material throughout the preparation of the Mitigated Negative Declaration. Additional reference documentation is identified in specific sections where applicable.

- **City of Monte Sereno General Plan, 2009**
- **City of Monte Sereno Municipal Code**
- **City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final)**

2.0 PROJECT DESCRIPTION

The Monte Sereno 2015-2023 Housing Element identifies the policies and programs that the City of Monte Sereno will implement to meet the projected housing needs of all economic segments of the community, as required by State law. California's housing element law requires that each city and county inventory available sites and develop local housing programs to ensure that the community can meet its "fair share" of existing and future housing needs for all income groups.

The 2015 Housing Element is an update to the Housing Element adopted by the City of Monte Sereno on June 1, 2010. The 2010 Housing Element included a comprehensive set of amendments to the Housing Element, and the City adopted substantial changes to the Monte Sereno Municipal Code to ensure compliance with State Law. On September 7, 2010, the California Department of Housing and Community Development determined that the 2010 Housing Element was in compliance with State Law.

As required by State law, the 2015 Housing Element documents the existing and projected housing needs in the community from 2014 through 2023, contains an inventory of sites with zoning suitable for housing development, and includes policies and programs that promote the preservation, improvement, and development of diverse types of housing in Monte Sereno. In particular, the Housing Element includes:

- Introduction (Section 1)
- Community Outreach and Public Participation (Section 2)
- Community Profile, including a housing needs assessment (Section 3)
- Review of the 2009-2014 Housing Element (Section 4)
- Housing Constraints (Section 5)
- Housing Needs and Resources (Section 6)
- Housing Program Strategy (Section 7)
- Appendix.

The 2015 Housing Element is designed to ensure that the City has adequate sites to meet its fair share of regional housing needs. The Association of Bay Area Governments (ABAG) has assigned the regional need, or Regional Housing Needs Allocations (RHNA), to Monte Sereno as follows:

Income Category	RHNA	Percentage of Total
Extremely Low	11	18%
Very Low	12	20%
Low	13	21%
Moderate	13	21%
Above Moderate	12	20%
Total	61	100%

The inventory of existing sites contained in the Housing Element shows that, with one exception, the City has sufficient land suitable for residential development that is already zoned appropriately to accommodate its RHNA. No specific projects are proposed on these sites as part of the 2015 Housing Element, and no Housing Element policies modify the permitted physical development of these sites. Hence no further review is required to evaluate the potential impact of including sites in the inventory that are already zoned to be suitable for residential development.

Most of the modifications to the 2010 Housing Element policies contained in the 2015 Housing Element involve actions to encourage or monitor affordable housing and do not affect the physical development of sites in the City. However, the following programs require changes to the General Plan or Municipal Code/Zoning Ordinance that could affect the physical development of properties in the City:

Program H-2.1: Review ordinance amendments to remove constraints to Second Unit development, such as reducing setback requirements for Second Units in all R-1 zones and eliminating the existing policy in the R-1-8 zone that deducts Second Unit square footage from the allowable maximum size of the principal dwelling on lots of less than 12,000 sq. ft. Further amend the Second Unit Program, such as by permitting junior second units, if necessary to achieve RHNA production goals.

Program H-2.5: The City will revise the Municipal Code (Section 10.05.045) Public ("P") zoning district by December 2016 to allow multifamily residential uses by right and to otherwise facilitate and encourage the development of multifamily housing in this district. Revisions will include development standards that are similar to the R-1-8 zone district and parking requirements that are similar to the RM zone district. Section 10.05.050 (Cluster Housing) shall also be modified to allow clustering of housing on smaller lots. The City will also complete any amendments to the General Plan that may be necessary to allow multifamily uses in the Public ("P") zoning district by December 2016.

The site inventory indicates that an underdeveloped property occupied by the First Baptist Church located at 17765 Daves Avenue could accommodate 15 units under the proposed zoning designation.

Program H-2.6: The City will revise the Municipal Code to 1) allow employee housing that provides housing for 6 or fewer employees in all residential zoned areas and 2) include residential care homes, supportive housing, and transitional housing as a "use by right" in RM zones.

Program H-2.1 proposes that the City adopt an ordinance amending its Second Unit Ordinance to remove constraints to Second Unit development. This ordinance would implement the provisions of Government Code Section 65852.2, which prescribes standards for local second unit ordinances. Any ordinance implementing Section 65858.2 is exempt from CEQA by statute under Public Resources Code Section 21080.17. Additionally, while the amendments to the Second Unit Ordinance are intended to increase the production of Second Units, it is not reasonably foreseeable to predict which property owners would choose to construct Second Units.

Program H-2.6 contains provisions regarding employee housing, residential care homes, and supportive housing. Health & Safety Code Section 17021.5 states that employee housing providing accommodations for 6 or fewer employees is a single-family structure. It can be seen with certainty that there is no possibility that a zoning change to allow employee housing may have a significant effect on the environment; employee housing is permitted whether or not the City modifies its ordinance. Consequently, the proposed zoning change is exempt from CEQA. (CEQA Guidelines Section 15061(b)(3).)

Similarly, numerous State law provisions require that residential care homes be considered a single-family dwelling for zoning purposes,¹ and the Housing Element statute requires that supportive and transitional housing be considered a residential use of property (Government Code Section 65583(a)(5).) The proposed zoning changes to allow these uses in the RM zone are also exempt from CEQA. It can be seen with certainty that there is no possibility that a zoning change to allow residential care homes, transitional, and supportive housing may have a significant effect on the environment, since the housing is permitted in the RM zone whether or not the City modifies its ordinance. (CEQA Guidelines Section 15061(b)(3).)

Because the ordinance changes contemplated by Program H-2.1 and Program H-2.6 are exempt from CEQA, this Initial Study considers primarily the impacts of Program H-2.5 to allow residences in the "Public " (P) zone at the First Baptist Church site. The impacts will be examined at the program level, since no specific project has been submitted for development of the First Baptist Church site. If a specific development proposal is submitted for the site, the City will determine whether additional environmental evaluation is required to ensure that all potential project specific impacts have been adequately evaluated and disclosed by prior documents. If new project impacts might occur, additional environmental review will be required. This evaluation cannot occur until such time as a project is designed and submitted for City review. A project-level analysis at this time would be speculative.

¹ Included are facilities for persons with disabilities and other facilities (Welfare & Inst. Code 5116), residential health care facilities (Health & Safety Code 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code 1568.083 - 1568.0831, 1569.82 - 1569.87), community care facilities (Health & Safety Code 1518, 1520.5, 1566 - 1566.8, 1567.1, pediatric day health facilities (Health & Safety Code 1267.9; 1760 - 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code 11834.23).

2.1 PROJECT OVERVIEW, SETTING AND LOCATION

Project Title: 2015-2023 Housing Element

Project Location: Citywide

The City of Monte Sereno is located at the southerly end of the San Francisco Peninsula, in the western portion of Santa Clara Count. The City is approximately 35 miles southeast of San Francisco, between the communities of Los Gatos and Saratoga. Monte Sereno is the smallest incorporated area in Santa Clara County, containing approximately 1.6 square miles. See Map Exhibit 1 for the area location of Monte Sereno and Map Exhibit 2 for City Boundaries and Land Use Designations.

Regional Access is provided by State Route 85 (SR-85) that connects to US 280 in Cupertino, US 101 in Mountain View and South San Jose, and SR17 to San Jose and Santa Cruz County. Local connectivity to adjacent cities is provided via Saratoga-Los Gatos Road, Saratoga-Sunnyvale Road and Winchester Boulevard.

The 2015-2023 Housing Element applies to the land located within the City limits of Monte Sereno.

Zoning Designation: Various (Citywide)

General Plan Designation: Various (Citywide)

Other public agencies whose approval is required:

No public agency other than the City of Monte Sereno is required to approve the Housing Element. The California Department of Housing and Community Development has authority to review the Housing Element and to determine whether it substantially complies with State law, but does not have authority to approve or disapprove the Housing Element.

2.2 MAPS

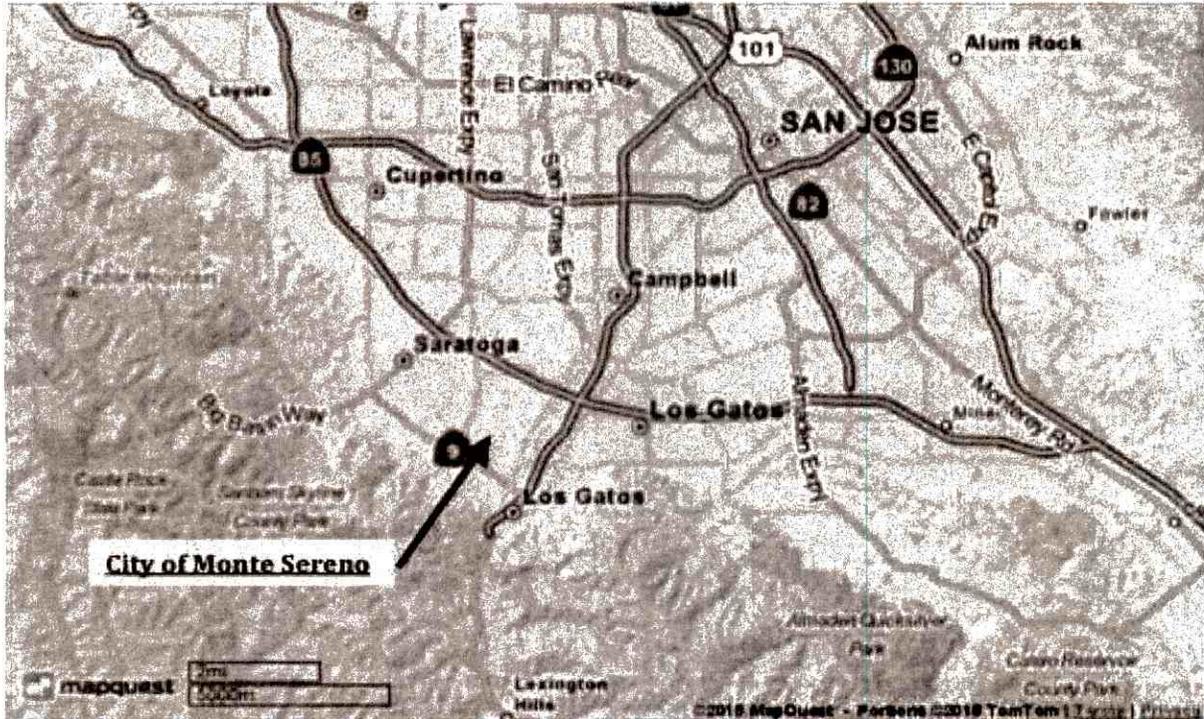
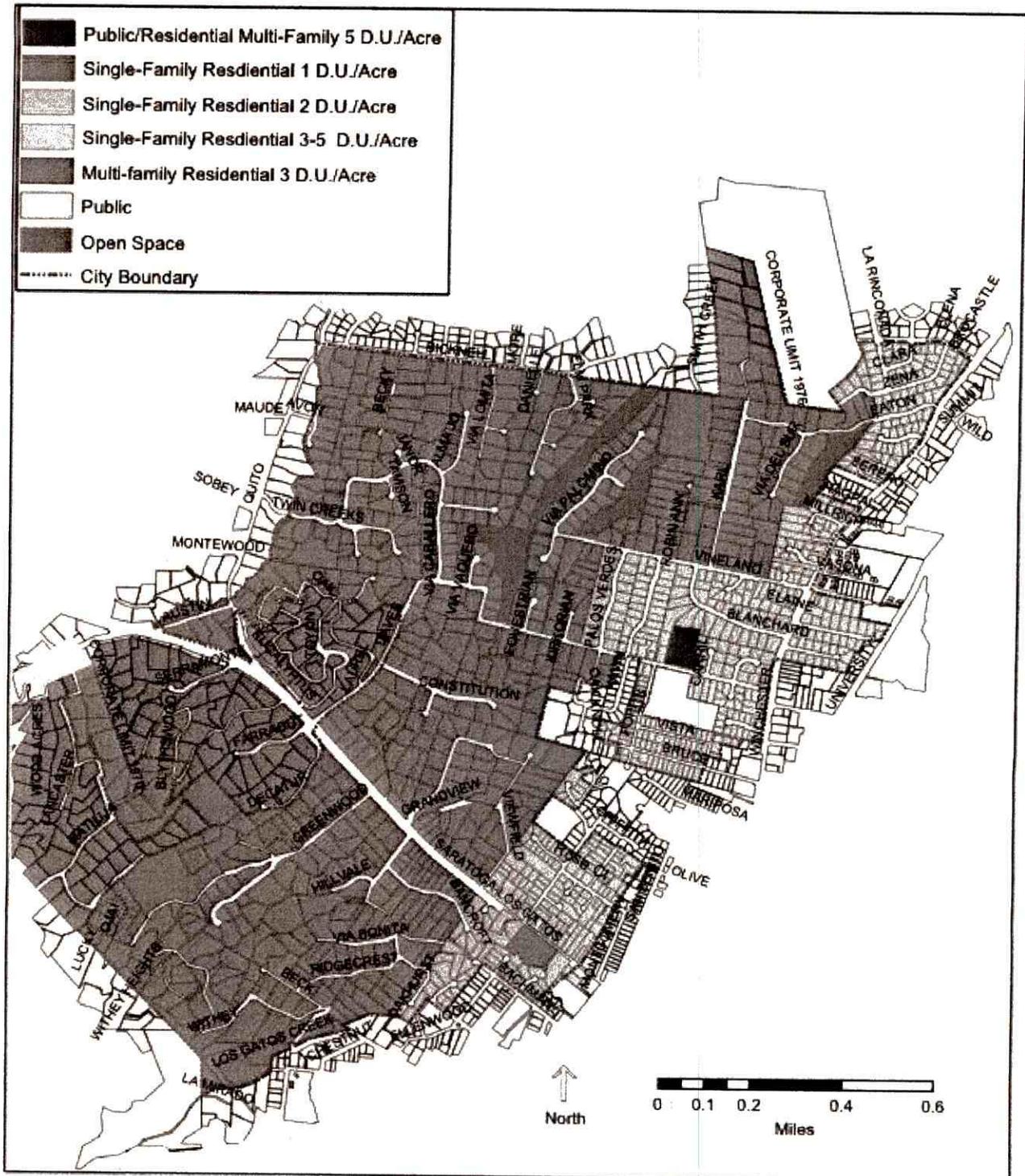


Exhibit 1: City Location Map

Exhibit 2: City Boundaries and Land Use Designations



Land Use Designations

3.0 SUMMARY OF SIGNIFICANT EFFECTS AND MITIGATION MEASURES

Section 4.0 of this document contains a complete analysis of potential effects of the proposed Project as required by CEQA. Included within this analysis is a consideration of impacts and mitigation measures if any of those impacts were determined to be potentially significant. All of the mitigation measures identified in the analysis will mitigate the potential impacts to levels of less than significant. See Exhibit 3 on the following pages for a summary of the impacts found to be potentially significant and the appropriate mitigation measure.

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Aesthetics	Degradation of the Visual Character or Quality of the site	AES-1	<p>Potential development of the First Baptist Church site shall conform to the City of Monte Sereno Design Guidelines for compatible residential development, including:</p> <ul style="list-style-type: none"> a. The building(s) architectural style, visual bulk, massiveness, height, width and length shall be compatible with the neighborhood and harmonize with the existing residential structures of neighboring properties; b. The building(s) mass, roof form and projecting elements shall be designed so as to minimize the visual impact of the building(s) on the neighborhood. Rooflines shall be designed in ways that minimize interference with any existing views from neighboring properties; . c. Open space and landscape areas should visually blend with adjacent properties and be consistent with the neighborhood and sensitive to the rural character of the City, and existing mature trees that screen the property from adjacent residences shall be preserved; d. Buildings shall be orientated so that outdoor space will visually connect between properties and extend a sense of open space, while maintaining a sense of privacy; and e. Private open space such as patios gardens, recreation courts and play areas shall be placed to maximize use of sun and shade patterns, natural drainage and existing vegetation. 	Less Than Significant

Exhibit 3: Impacts and Mitigation Summary (All Mitigation Measures Apply to Potential Development of First Baptist Church Site)

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Aesthetics	Increased Light and Glare	AES-2	<p>Lighting on the potential project site shall conform to the City of Monte Sereno Design Guidelines for residential development, as follows:</p> <ul style="list-style-type: none"> a. Exterior lighting shall not be directed toward the street, the sky, or neighboring parcels; b. Light sources shall not be visible from off site; and c. Tennis and sports courts may not be illuminated. 	Less Than Significant
Air Quality	Conflict With or Obstruct Implementation of the Applicable Air Quality Plan	AQ-1	<p>Any approval of future development of the site shall include applicable control measures from the Air District's current air quality plan. These control measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Provision of internal bicycle facilities with connection to Daves Avenue, and provision of bicycle parking within the development; b. Provision of sidewalks on internal streets with sidewalks on Daves Avenue; c. Incorporation of solar hot water or solar electricity into future development; d. Incorporation of cool roofing" and "cool paving" technologies into the development; and/or e. Inclusion of shade trees in landscaping plans. 	Less Than Significant

Exhibit 3: Impacts and Mitigation Summary (All Mitigation Measures Apply to Potential Development of First Baptist Church Site)

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Air Quality	<p>Violate any air quality standard, contribute substantially to an existing or projected air quality violation, result in a considerable net increase of criteria pollutant</p> <p>Expose sensitive receptors to substantial pollutant concentrations</p>	AQ-2	<p>Approval of any future development of the site shall include applicable measures from the Air District's Basic Construction Mitigation Measures. These measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material off-site will be covered; c. All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All vehicle speeds on unpaved roads will be limited to 15 mph; e. All roadways, driveways and sidewalks to be paved will be completed as soon as possible. Pavement surfaces will be laid as soon as possible after grading unless seeding or soil binders are used; f. Idling times will 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 will be provided for construction workers at all access points; g. All construction equipment will be maintained and properly tuned in 	Less Than Significant

			<p>accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation; and</p> <p>h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person will respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulations.</p>	
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Exhibit 3: Impacts and Mitigation Summary (All Mitigation Measures Apply to Potential Development of First Baptist Church Site)

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Biological Resources	Substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	BIO-1	To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (February through August). If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey shall be conducted no more than 7 days prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 250 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 250 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction would not impact the active nest.	Less Than Significant
		BIO-2	To avoid impacting active pallid bat and hoary bat roosts, if present, any mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on	

			a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate.	
Biological Resources	Protection of biological resources, such as a tree preservation policy or ordinance	BIO - 3	If future development of the project site includes the removal of any significant trees as defined in the City's Tree Preservation Ordinance or are over six inches in diameter per the Subdivision Ordinance, the developer shall plant a California native tree species with at least a one-to-one replacement ratio on the project site, unless inconsistent with good forestry practices, and obtain a permit prior to removal of trees over six inches in diameter, in compliance with the City of Monte Sereno's Tree Preservation Ordinance and/or Subdivision Ordinance. A qualified arborist shall also survey any trees to be preserved, including the trunk diameter, canopy spread, species, and location, and recommend specific steps that must be taken during construction to ensure that those trees are not impacted.	Less Than Significant

Exhibit 3: Impacts and Mitigation Summary (All Mitigation Measures Apply to Potential Development of First Baptist Church Site)

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Cultural Resources	Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?	CR-1	<p>The City shall require completion of an historic and architectural evaluation of the Church at the time any application is made for residential development of the First Baptist Church site. The project sponsor shall be required to retain a qualified architectural historian to complete a site-specific historic resources study consistent with the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of any identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If federal or state funds are involved, certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.</p> <p>Treatment in Accordance with the Secretary of the Interior's Standards. If the Church building is found to be a historic resource, any future proposed project on the Church site that would affect the Church shall conform to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i> (1995). The Standards</p>	Less Than Significant

			require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures and compatible adjacent development.	
Cultural Resources	Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	CR-2	If prehistoric archaeological resources (i.e., prehistoric sites, and/or isolated artifacts) are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The City shall be notified, and the City shall retain a qualified professional historian and/or archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in history and/or archaeology at the Applicant's expense to evaluate and determine the significance of the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.	Less Than Significant
Cultural Resources	Disturbance of any human remains, including those interred outside of formal cemeteries?	CR-3	Any approval of a development application for the First Baptist Church site shall include the requirement that, in the event of an accidental discovery or recognition of any human remains, the following language shall be included in all construction documents associated with future development of the project site in accordance with CEQA Guidelines section 15064.5(e): "If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage	Less Than Significant

			<p>Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Monte Sereno or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The City of Monte Sereno or its authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the City of Monte Sereno or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."</p>	
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Exhibit 3: Impacts and Mitigation Summary (All Mitigation Measures Apply to Potential Development of First Baptist Church Site)

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
Land Use and Planning	Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the Project.	LUP - 1	The City's General Plan will need to be amended in order to permit multifamily residences as proposed in Program H-2.5 However, this amendment will not create any additional physical impacts on the environment other than those reviewed in this Initial Study.	Less Than Significant

Exhibit 3: Impacts and Mitigation Summary (All Mitigation Measures Apply to Potential Development of First Baptist Church Site)

Area of Concern	Potential Significant Impact	Mitigation Number	Mitigation Measure Summary	Residual Impact
<p>Noise</p>	<p>Exposure of persons to or generation of noise levels in excess of standard established in the local General Plan or noise ordinance, or in applicable standards of other agencies.</p> <p>Result in a substantial permanent, temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</p>	<p>N - 1</p>	<p>Prior to issuance of a grading permit for future development, the following measures shall be incorporated into the project plans to mitigate construction noise, subject to the review and approval of the City of Monte Sereno:</p> <ol style="list-style-type: none"> 1. Exterior construction shall be limited to weekdays between 8:00AM and 5:00PM and Saturday between 9:00AM and 5:00PM; 2. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment; 3. Temporary berms or noise barriers, such as lumber or other material stockpiles should be utilized; 4. Stationary noise-generating equipment (e.g. generators and compressors) shall be located as far as possible from sensitive receptors and housed in acoustical enclosures; and 5. Consistent with Action HS-6.1 of the General Plan, prior to issuance of a building permit, the applicant shall propose specific construction techniques for noise buffering, barriers or setbacks to reduce construction noise to a level within the noise/land use compatibility standards. 	<p>Less Than Significant</p>

4.0 ENVIRONMENTAL IMPACT EVALUATION

The Initial Study and Mitigated Negative Declaration analyze the potential environmental impacts associated with the proposed Project. The issue areas evaluated in this Initial Study include:

- Aesthetics;
- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Transportation/Traffic;
- Utilities and Service System; and
- Mandatory Findings of Significance.

The environmental analysis is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines, Appendix G*. Each of the sections listed above are organized as follows:

Environmental Setting

The Environmental Setting provides a general overview of the conditions in the Project area.

Policy and Regulatory Setting

The Policy and Regulatory Background presents local, state and federal regulations, which are relevant to the Project.

Impacts and Mitigation Measures

The Impacts and Mitigation Measures provides a brief description of the methodology that was used to evaluate the environmental topic and the standards of significance used to evaluate whether an impact is considered significant (State CEQA Guidelines and/or any applicable agency policy or regulations). Impacts are identified and analyzed.

Mitigation measures that would reduce potentially significant or significant impacts are identified, as well as the significance of the impact after implementation of mitigation measures.

Each section contains a checklist in a table format. Questions in the checklist are stated and an answer is provided based on the analysis undertaken as part of the Initial Study. The analysis considers the short-term, long-term, direct, indirect and cumulative impacts of the project. To each question, there are four possible responses:

- **No impact:** The project would not have any measurable environmental impact on the environment.
- **Less than Significant Impact:** The project would have the potential for impacting the environment, although this impact would be below established significance thresholds.
- **Potentially Significant Unless Mitigation Incorporated:** The project would have the potential to generate impacts that may be considered a significant effect on the environment, although mitigation measures or changes to the project's physical or operational characteristics could reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact:** The project would have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

4.1 AESTHETICS

This section of the Mitigated Negative Declaration describes the existing visual resources within the City of Monte Sereno, identifies regulations in place to protect resources, and discusses the impacts to visual resources associated with implementation of the proposed Project. The analysis focuses on any reasonably foreseeable alteration of the landscape characteristics and potential visual resource impacts.

4.1.1 ENVIRONMENTAL SETTING

General Visual Character

The City of Monte Sereno is a quiet residential community nestled in the hills of western Santa Clara County. Monte Sereno does not feature any commercial or industrial uses. As identified in the General Plan (pages 19-21), the community consists of eight low-density residential neighborhoods, each with their own unique location and characteristics, such as ambience, type of roadways and vegetation.

The First Baptist Church site is located in the Daves neighborhood. As described in the General Plan (page 19):

The Daves neighborhood is located east of Palos Verdes Drive and Oak Knoll Drive, south of Vineland Avenue, and north of Bruce Avenue. The neighborhood is characterized by uniform, small lots with older homes with natural unimproved landscaping and sections of newer homes with extensive landscaping. Daves Avenue School is located in this neighborhood, and the First Baptist Church is the focal point of the neighborhood. Daves Avenue and Vineland Avenue are major collector streets, while additional traffic is generated by the church and school in the neighborhood.

The First Baptist Church site is approximately 3.48 acres. The church buildings and surface parking are located on 2.30 acres of the property and the remaining 1.18 acres are open space areas. The church buildings front along Daves Avenue and the parking lot and open space are in the back of the property. See Exhibit 4 Map for the location of the Church site. The open space area in the back consists of play fields, a play structure, lawn area and a small picnic area. The perimeter of the site on the sides and in the back is planted with mature trees and other vegetation that screens the neighboring houses. See Exhibit 5 for photo of the church building and Exhibits 6 (a) and (b) for photos of the back and rear uses of the site.

The Daves Avenue Elementary School is directly across the street (Daves Avenue) from the First Baptist Church. See the photo of Daves Avenue Elementary School fronting on Daves Avenue in Exhibits 7 (a) and (b). Other surrounding land uses are single-family residential homes, with lot sizes typical of the eastern portion of the Monte Sereno community. The homes are all either one or two story detached residential units. The homes represent a variety of design styles ranging from mid-century or ranch style homes to more recently constructed or remodeled homes of high quality construction.

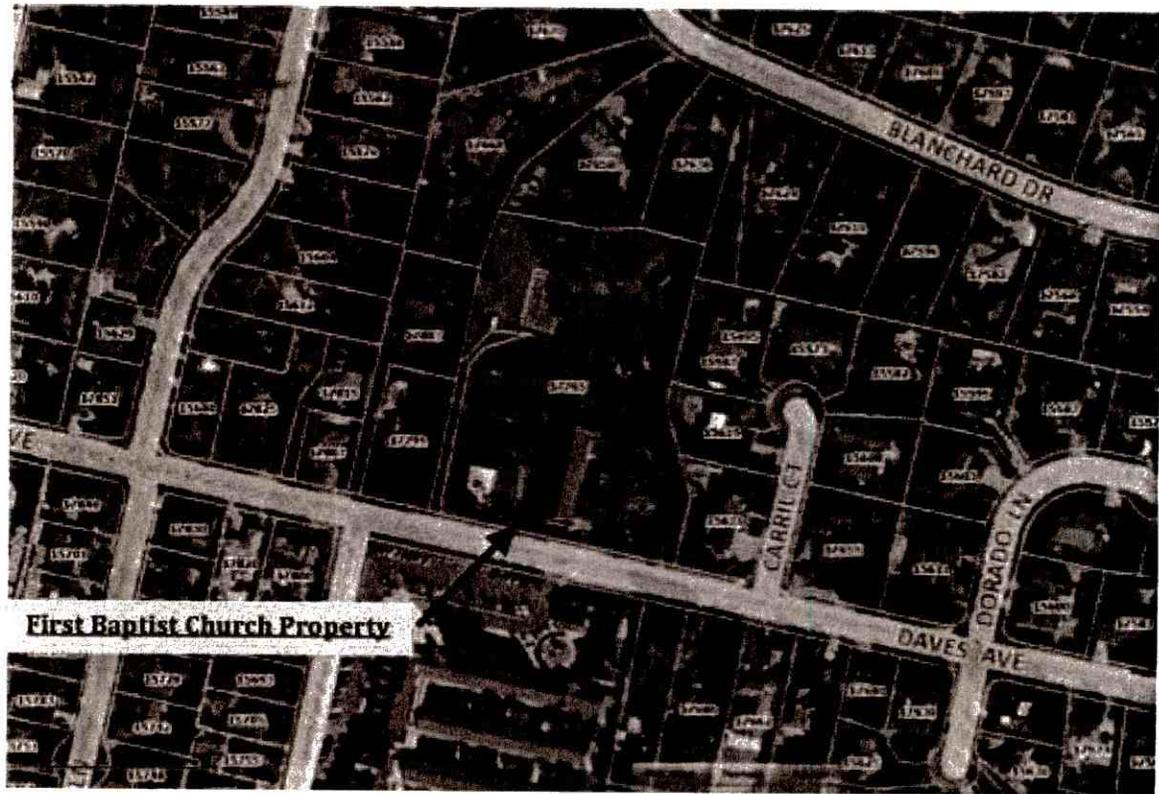


Exhibit 4: Site of First Baptist Church, 17765 Daves Avenue



Exhibit 5: First Baptist Church Building fronting Daves Avenue

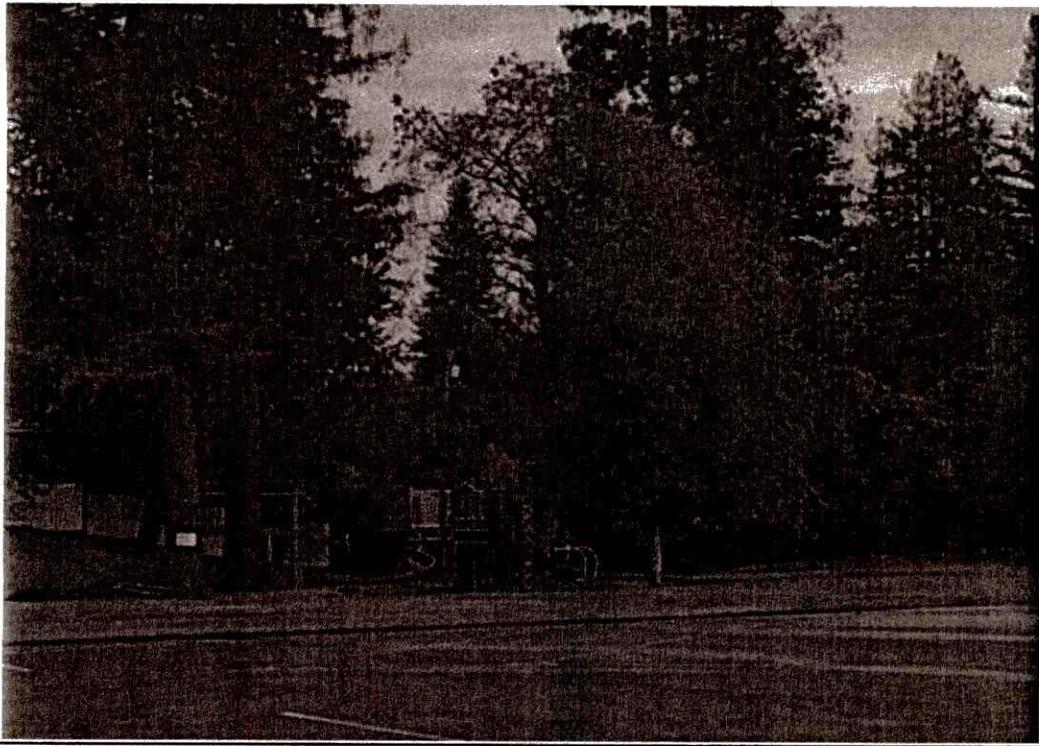


Exhibit 6 (a): Grass play area, parking lot (partial) and play structure in rear of First Baptist Church site



Exhibit 6 (b): Parking lot in rear of First Baptist Church site (note typical neighboring residential structure roof line in rear of photo)

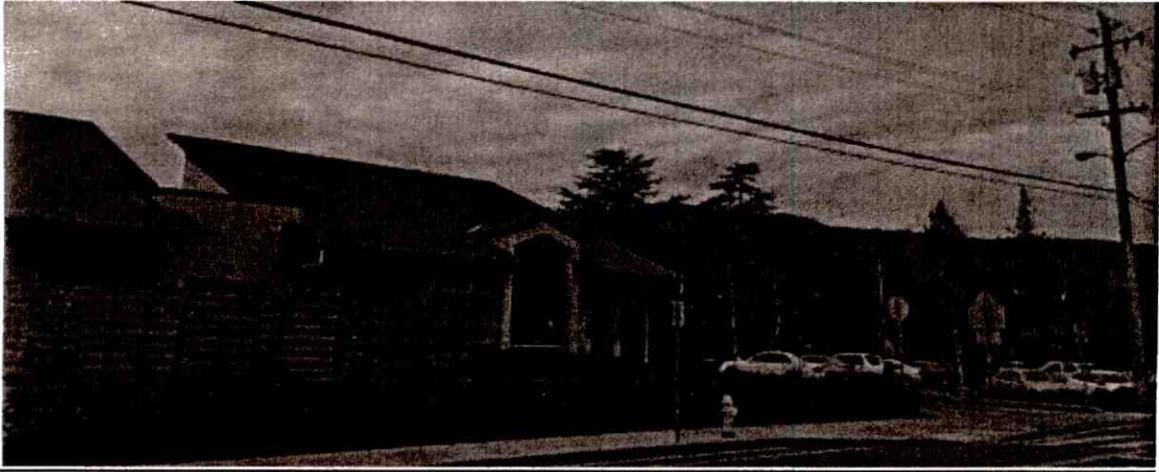


Exhibit 7 (a): Daves Avenue Elementary School located directly across from First Baptist Church

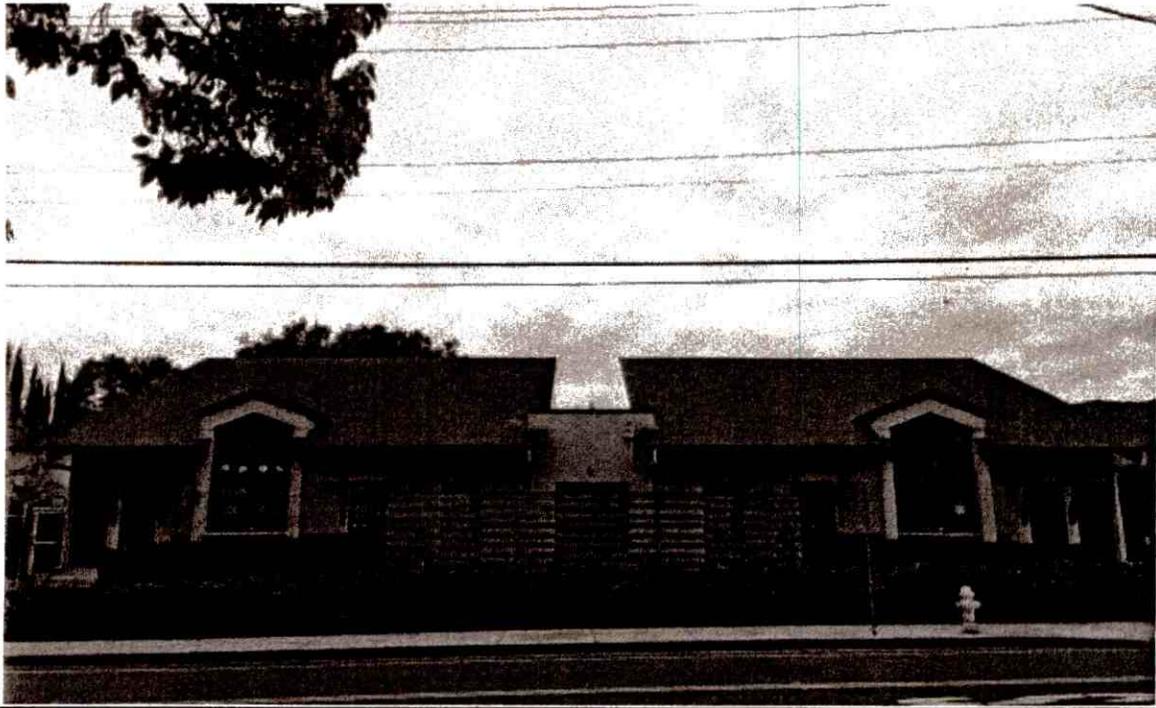


Exhibit 7 (b): Daves Avenue Elementary School located directly across from First Baptist Church

Scenic Vistas

The City's General Plan does not designate specific scenic vistas (signed and accessible to the public) within the City. The General Plan does state that many of the lots in the Lorna Serena neighborhood (northern portion of the City) have views and vistas (page 21). The General Plan also emphasizes the value of scenic resources such as hillsides, natural resource areas, and open space.

State Scenic Highways

Highway 9 is officially designated a California State Scenic Highway in Monte Sereno. State Scenic Highways are roadway corridors of outstanding natural beauty that are subject to special regulations that preserve and enhance the scenic quality of the corridor. Highway 9 starts at Skyline Boulevard in Santa Cruz County and runs through a forested landscape, an abandoned pear-apple orchard farm, and later joins Saratoga-Los Gatos Road at Blaney Plaza in the City of Saratoga (General Plan, page 72). The First Baptist Church site is not adjacent to or near Highway 9.

Light and Glare

A range of sources of daytime and nighttime glare are common in residential communities, including Monte Sereno. Daytime sources of glare typically include reflection of the sun off of buildings, car windshields, or other highly reflective glass or metal surfaces. All of these sources of daytime glare occur within Monte Sereno.

Nighttime lighting is the primary source of glare that adversely affects nighttime views and creates sky glow. Typical sources of nighttime glare in communities include lighting of commercial facilities, parking lot lighting, street lighting, and vehicle headlights.

4.1.2 POLICY AND REGULATORY SETTING

Local

The City currently utilizes the guidance provided in its General Plan, municipal code and design guidelines to shape the design of new development. Each of these sources is briefly described below.

General Plan

The Monte Sereno General Plan (2010) is the principal policy document to guide future conservation, enhancement and development in Monte Sereno. The General Plan contains a set of five guiding principles that establish key community values.

Key policies in the Land Use Element and Housing Element (both the 2010 Housing Element and the 2015-2023 Housing Element) related to aesthetic impacts include the following:

Policy LU-1.1 Protect Monte Sereno neighborhoods from the intrusion of incompatible land uses and disruptive traffic to the extent reasonably possible.

Policy LU-1.2 Require new development to complement and enhance existing neighborhood character.

Policy LU-1.3 Continue to review new development proposals to ensure that they do not overwhelm their sites or their neighborhood.

Policy LU-2.1 Require development to be designed to protect natural resources, preserve open spaces and natural topography.

Policy LU-2.2 Encourage residential uses to merge naturally with surrounding land uses through the gradual change of densities and the preservation of the natural topography.

Policy LU-2.3 Permit the clustering of building sites to protect environmentally sensitive areas, avoid hazards, or create shared uses such as neighborhood recreation areas. However, in no case shall the number of lots allowed be greater than that permitted for a conventional subdivision.

Policy LU-2.4 Carefully review development in areas of high scenic value.

Policy H-1.1 Ensure that new residential development is compatible with the existing neighborhood character.

Policy H-1.2 Require that residential development is well-integrated into the natural environment and physical landscape of the site.

Policy H-1.3 Require that new residential development preserves valued scenic qualities such as hills, ridgelines and views and mitigates adverse visual impacts to the extent possible.

Program H-1.1 Continue to require Site Development Permit approval for all new homes and to require project consistency with the City Design Guidelines.

Zoning Code

The City's zoning code contains a range of regulations that guide development in a manner that protects and enhances the visual quality of development. In particular, Chapter 10.08 requires that any new structure over 120 square feet receive a site development permit and be reviewed by the Site and Architectural Commission. Section 10.08.010 states the purpose of this section as follows:

The purpose of this Chapter is to promote orderly development, to enhance the character, stability, integrity and appearance of neighborhoods within the City, to maintain and protect the stability and integrity of land values, and to secure the general purposes of this Chapter and of the Monte Sereno General Plan.

In order to accomplish the purpose, it is necessary for the City, through the Site and Architectural Commission, to review and regulate the aesthetic and functional aspects of structures and sites and to require, as the Commission determines necessary, the aesthetic and functional improvements to the site and to any structures thereon.

To approve a site development permit, the Commission must make the following findings:

1. The proposed improvement and/or use retain the existing character of the neighborhood in which it would be located.
2. The architectural design proposed to be employed will mitigate any significant visual impact that could result from the proposed improvement and/or use.
3. The proposed improvement and/or use will provide for minimum grading and retention of the natural contours of the land then existing in order to protect the natural slope of the lot.
4. The proposed improvement and/or use provides for:
 - a. Retention of significant trees as defined elsewhere in the Code, unless the findings required by Section 10.15.080 of the Code can be made; and
 - b. Preservation of solar access.

- 5. The landscaping for the proposed improvement and/or use emphasizes the use of native materials in the area.
- 6. The site drainage for the proposed improvement and/or use provides for no increase in water runoff to neighboring lots.
- 7. The proposed improvements are consistent with the City design guidelines.

Design Guidelines.

The Monte Sereno Design Guidelines provide detailed design guidance for residential development within the City to ensure that new development is consistent with the policies of the General Plan and that the findings required by Chapter 10.08 can be made. The design guidelines explain how residences can be made compatible with the neighborhood and with the natural site. They also provide guidance for physical design components, including architectural details, roofs, and chimneys, and for landscaping, including fencing and lighting. The guidelines apply to both new construction and renovations to existing structures.

Subdivision Ordinance

The City's Subdivision Ordinance (Chapter 13.04) contains specific provisions regarding subdivisions in hillside areas and scenic corridors. In particular, Section 13.04.030(A) requires that additional information regarding tree location, grading, and landscaping be provided when tentative maps are proposed in scenic corridors. Before acting on a tentative map for property within a designated state scenic highway corridor, the Council shall specifically ensure that service yards, parking areas, utility tanks, and similar features are screened from the scenic highway, and the plan shall avoid blocking views of aesthetic value seen from the scenic highway. All structures proposed within 300 feet of the scenic highway must be reviewed and approved by the City Council. (Section 13.04.030(B)(2).) As noted previously, the First Baptist Church site is not located within 300 feet of a scenic highway (Highway 9).

4.1.3 IMPACTS AND MITIGATION

Methodology

The aesthetic resource evaluation is based on a review of topographic conditions, aerial photos, site photos, existing local policies and regulations pertaining to visual resources, and the proposed Project.

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

Where applicable, potential impacts related to the First Baptist Church site and Program H-2.5 of the 2015-2023 are identified.

AESTHETICS:

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless	Less Than Significant Impact	No Impact
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		Mitigation Incorporated		
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X		
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) City of Monte Sereno Design Guidelines				

Impact 4.1 (a) No impact

A scenic vista is defined as a view of natural environmental, historic, and/or architectural features possessing visual and aesthetic qualities of value to the community. The term "vista" generally implies an expansive view, usually from an elevated point or open area.

The City's General Plan does not designate specific scenic vistas within the City and does not identify the Daves neighborhood as one containing views and vistas. As shown in Exhibits 4 - 7, the site is flat, and does not possess the attributes that would define it as a "scenic vista," not does it provide expansive views from an elevated point or open area. Views over the site are largely blocked by tall trees that screen the site from the view of most adjacent homes. Therefore, **no impacts** are anticipated.

Impact 4.1 (b) No Impact

There are no policies in the 2015-2023 Housing Element that may have an impact on scenic resources within State Highway 9, as the First Baptist Church site is not adjacent to or near State Highway 9. Therefore, **no impacts** are anticipated.

Impact 4.1(c) Potentially Significant Unless Mitigation Incorporated

The First Baptist Church site could be developed if Program H-2.5 of the 2015-2023 Housing Element is implemented and a development proposal submitted and approved. Program H-2.5 proposes up to 15 units could be developed on the property. Height limits would be similar to those in the City's existing R-1-8 residential zone, which allows for a maximum height of 21 feet for a one-story building and 30 feet for a two-story building. These height restrictions are similar to the residential zones that surround the Church site. The neighborhood

north of Daves Avenue and to the west of the site is zoned R-1-8. Properties south of Daves Avenue and across from the site include the Daves Avenue Elementary School that has single and two story elements as well as additional R-1-8 zoned properties. The remaining properties to the east of the site and north of Daves Avenue are zoned R-1-20 with height limitations similar to the R-1-8 zone. Therefore, any proposed new development would be consistent in height with the surrounding area. Mature vegetation and trees already exist along the rear and back perimeter of the site and currently visually block views of most of the residential uses that surround the site.

In regards to architectural design, both the First Baptist Church and the Daves Avenue Elementary School have a contemporary architectural style incorporating use of stucco, wood and stonework.

If developed, it is anticipated that the project would consist of multi-family residential units in a clustered arrangement. It is further anticipated that the development would occur on the rear of the site or through reconfiguring the parking lot, with the existing Church and related buildings substantially blocking views of the site from the street and existing mature trees blocking views from most existing residences.

The City of Monte Sereno's General Plan, zoning code, and subdivision ordinances contain numerous policies that mitigate the aesthetic impact of new development. In particular:

Policy LU-1.2 requires new development to complement and enhance existing neighborhood character.

Policy LU-1.3 requires the City to ensure that new development does not overwhelm sites or the neighborhood.

Policy H-1.1 requires the City to ensure that new development is compatible with existing neighborhood character.

Policy H-1.2 requires that new development be well integrated into the natural environment and physical landscape.

Findings required for a site development permit require that significant visual impacts be mitigated and that the proposed use retain the existing character of the neighborhood.

To ensure that future development of the site complies with City policy regarding character and quality of the site, the following mitigation shall be required:

Mitigation Measure: AES- 1

Development of the project site shall conform to the City of Monte Sereno Design Guidelines for compatible residential development, including:

- a. The building(s) architectural style, visual bulk, massiveness, height, width and length shall be compatible with the neighborhood and harmonize with the existing residential structures of neighboring properties;
- b. The building(s) mass, roof form and projecting elements shall be designed so as to minimize the visual impact of the building(s) on the neighborhood. Rooflines shall be designed in ways that minimize interference with any existing views from neighboring properties;
- c. Open space and landscape areas should visually blend with adjacent properties and be consistent with the neighborhood and sensitive to the rural character of the City, and existing mature trees that screen the property from adjacent residences shall be preserved;
- d. Buildings shall be orientated so that outdoor space will visually connect between properties and extend a sense of open space, while maintaining a sense of privacy; and
- e. Private open space such as patios gardens, recreation courts and play areas shall be placed in a manner to maximize use of sun and shade patterns, natural drainage and existing vegetation.

Implementation of mitigation measures AES-1 a-e will ensure that potential development of the First Baptist Church site does not substantially degrade the existing visual character of quality of the site and its surroundings. Therefore, this impact is **less than significant impact with mitigation incorporated.**

Impact 4.1(d) Potentially Significant Unless Mitigation Incorporated

The project site currently contains artificial lighting, which provides some lighting to the site in the evenings. Development of the site would therefore not introduce a new source of nighttime lighting, although the location of the lighting could be altered, and the lighting could increase with the increased development of the site. However, lighting for a residential development is generally at lower heights and brightness than for a public use such as a church.

The following mitigation measure would reduce any lighting and glare impacts to insignificance:

Mitigation Measure: AES-2.

Lighting on the project site shall conform to the City of Monte Sereno Design Guidelines for residential development, as follows:

- a. Exterior lighting shall not be directed toward the street, the sky, or neighboring parcels;
- b. Light sources shall not be visible from off site; and
- c. Tennis and sports courts may not be illuminated.

Implementation of mitigation measure AES-2 will ensure that impacts due to light and glare will be reduced by requiring that lighting on the site is designed to reduce spill over and sources of light are not visible off site. Therefore, this impact is **less than significant with mitigation incorporated.**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 ENVIRONMENTAL SETTING:

The City of Monte Sereno is a developed area and is designated “urban and built up” by the California Department of Conservation Mapping and Monitoring Program (2012). No areas are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No areas in Monte Sereno are designated or used for timber production or agriculture.

AGRICULTURAL AND FOREST RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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 nonagricultural use?				X
b. Conflict with existing zoning for, or cause, rezoning of forestland or timberland?				X
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
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?				X
Sources: City of Monte Sereno General Plan, 2009				

4.2.2 IMPACT AND MITIGATION:

Impact 4.2 (a-e) No Impact

Because there is no forest land or farmland in Monte Sereno, the Project will have **no impact** on these resources.

4.3 AIR QUALITY

This section addresses the proposed project's impacts on ambient air quality and the potential for exposure of people to unhealthful pollutant concentrations. Information from the U.S. Environmental Protection Agency (EPA), the California Air Resources Board, and the Bay Area Air Quality Management District ("Air District") including the 2010 Bay Area 2010 Clean Air Plan, provide background information for the discussion of existing conditions and the impact analyses.

4.3.1 ENVIRONMENTAL SETTING

The City of Monte Sereno is located in the Santa Clara Valley and within the San Francisco Bay Area Air Basin (SFBAAB) and therefore subject to the ambient air quality standards (AAQS) established by the Bay Area Air Quality Management District (BAAQMD), and those adopted by the California Resources Board (CARB), and the U.S. Environmental Protection Agency. Air quality within the Bay Area Air Basin is determined by natural, geographical, and meteorological conditions, as well as human activities including construction and development, operation of vehicles, and industry and manufacturing.

The BAAQMD is responsible for planning, implementing, and enforcing air quality standards within the Bay Area Air Basin, including the City of Monte Sereno. The BAAQMD operates a monitoring station nearby in Los Gatos, where it records pollutant concentration levels for carbon monoxide (CO), Nitrogen Dioxide (NO₂), Ozone (O₃), and Particulate Matter (PM_{2.5}). The BAAQMD Compliance and Enforcement Division routinely conducts inspections and audits of potential polluting sites to ensure compliance with applicable federal, State, and BAAQMD regulation.

Climate and Effects on Air Quality

The basic controlling factor in the climate of California is the semi-permanent atmospheric high- pressure cell, the Pacific High, over the eastern Pacific Ocean. During summer months, the Pacific High is well established and deflects Pacific storms to the north of California. During winter months, the Pacific High weakens and shifts farther to the south. As a result, summers are generally clear and dry, while winters are cool with occasional rainfall. Nearly 90 percent of California's annual precipitation falls in the six months from November through April.

The Santa Clara Valley extends for about 40 miles on a northwest by southeast axis. For air quality purposes, the valley is bounded by San Francisco Bay to the north, by the mountains to the east and west, and a range of hills to the south. Temperatures are warm on summer days and cool on summer nights, and winter temperatures are fairly mild. Typically mean maximum temperatures are in the low-90s during the summer and the high-50s during the winter, and the mean minimum temperature ranges from the high-50s in the summer to the low-40s in the winter. The project site is located in the southern portion of the valley, where temperatures can be more than ten degrees warmer on summer afternoons and more than ten degrees cooler on winter nights.

Winds in the valley are greatly influenced by the terrain and temperature gradients. The prevailing winds flow roughly parallel to the valley's northwest-southeast axis. A north- northwesterly sea breeze flows through the valley during the afternoon and early evening, and a light south-southeasterly flow occurs during the late evening and early morning. In the summer, the southern end of the valley, including Monte Sereno, sometimes becomes a "convergence zone, when air flowing from the Monterey Bay gets channeled northward into the southern end of the valley and meets with the prevailing north-northwesterly winds. Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours

frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with winter storms.

Criteria Air Pollutants

Criteria Air Pollutants are air pollutants for which the federal or state government has established ambient air quality standards, or criteria, for outdoor concentration in order to protect public health. Criteria pollutants include: ozone, carbon monoxide, sulfur dioxide PM10 (previously total suspended particulate), nitrogen oxide, and lead.

Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. The types of land uses commonly associated with children include homes, schools, parks and playgrounds, and childcare centers. The types of land uses associated with the elderly include homes, retirement homes, and convalescent homes. The types of land uses commonly associated with the chronically or acutely ill include homes and convalescent homes.

Localized Mobile Source Emissions

The primary localized mobile source pollutant of local concern is carbon monoxide (CO). Carbon monoxide concentration is a direct function of vehicle idling time and, thus, traffic flow conditions. Carbon monoxide transport is extremely limited; it disperses rapidly from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to a congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.).

Construction Emissions

Emissions generated during construction are "short term" in the sense that they would be limited to the actual periods of site development and construction. Short-term construction emissions are typically generated by the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction-related emissions consist primarily of volatile organic compounds (VOC), oxides of nitrogen (NOx), fugitive dust (PM_w), and carbon monoxide (CO). Emissions of VOC, NOx, and CO are generated primarily by the operation of gas and diesel-powered motor vehicles, asphalt paving activities, and the application of architectural coatings. Emissions of PM 10 are generated primarily by wind erosion of exposed graded surfaces.

Hazardous Air Pollutants

Hazardous air pollutants, also referred to as toxic air contaminants (TACs), can result in health effects that can be quite severe. Many TACs are confirmed or suspected carcinogens, or are known or suspected to cause birth defects or neurological damage. Also, many TACs can be toxic at very low concentrations. For some chemicals, such as carcinogens, there are no thresholds below which exposure can be considered risk-free.

Industrial facilities and mobile sources are significant sources of TACs. Various common urban facilities also produce TAC emissions, such as gasoline stations (benzene), hospitals (ethylene oxide), and dry cleaners (perchloroethylene). Automobile exhaust also contains TACs such as benzene and 1,3-butadiene. Most recently, diesel particulate matter (diesel PM) was identified as a TAC by the California Air Resources Board. Diesel PM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Air District research indicates that mobile-source emissions of diesel PM, benzene, and 1,3-butadiene

represent a substantial portion of the ambient background risk from TACs in the San Francisco Area Air Basin (Bay Area Air Quality Management District 2012, page C-17).

4.3.2 POLICY AND REGULATORY SETTING

Federal Regulatory Framework

The Federal Clean Air Act of 1970 required the EPA to set National Ambient Air Quality Standards for several air pollutants on the basis of human health and welfare criteria. The Clean Air Act also set deadlines for the attainment of these standards. The Clean Air Act Amendments of 1990 made major changes in deadlines for attaining the National Ambient Air Quality Standards. Major changes were also made in the actions required of areas that exceeded these standards.

The Clean Air Act requires states to prepare an air quality control plan known as a State Implementation Plan. California's State Implementation Plan contains the strategies and control measures that California will use to attain the National Ambient Air Quality Standards. The Clean Air Act Amendments of 1990 require states containing areas that violate the National Ambient Air Quality Standards to revise the State Implementation Plans to incorporate additional control measures to reduce air pollutants. If, when reviewing the State Implementation Plan for conformity with Clean Air Act Amendments mandates, the EPA determines a State Implementation Plan to be inadequate, it may prepare a Federal Implementation Plan for the non-attainment area and may impose additional control measures.

State Regulatory Framework

The California Air Resources Board is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the requirements of the California Clean Air Act of 1988.

The California Clean Air Act requires that all air districts in the state endeavor to achieve and maintain California Ambient Air Quality Standards for O_3 , CO, SO_2 , and NO_2 by the earliest practical date. The California Clean Air Act specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the California Clean Air Act provides districts with new authority to regulate indirect sources. Each district plan is to achieve a five percent annual reduction, averaged over consecutive three-year periods, in district-wide emissions of each non-attainment pollutant or its precursors and provide for a "no net" increase in regional emissions.

Regional Regulatory Framework

Bay Area Air Quality Management District.

The Project is located in the air basin under jurisdiction of the Bay Area Air Quality Management District ("Air District"). The Air District is the agency with primary responsibility for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. The air basin encompasses all of seven counties: Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa, and portions of two others: southwestern Solano and southern Sonoma.

Air Pollutants of concern in the air basin include ozone, particulate matter (PM₁₀ and PM_{2.5}), TACs, and greenhouse gases. The region is designated as non-attainment for both the one-hour and eight-hour state ozone standards. The basin is also designated as non-attainment for the national 24-hour fine PM_{2.5} standard, and the Air District was required to prepare a PM_{2.5} State Implementation Plan pursuant to federal air quality guidelines by December 2012.

Air District Clean Air Plan.

At a public hearing on September 15, 2010, the Air District adopted the final Bay Area 2010 Clean Air Plan (CAP), and certified the final Environmental Impact Report on the CAP. The 2010 CAP serves to update the Bay Area ozone plan (Bay Area Ozone Strategy 2005) in compliance with the requirements of the Chapter 10 of the California Health & Safety Code.

In addition to updating the Air District's state ozone plan, the 2010 CAP also serves as a multi-pollutant plan to protect public health and the climate. The CAP addresses four categories of pollutants:

- Ground-level ozone and its key precursors, ROG and NO_x;
- Particulate matter: primary PM_{2.5}, as well as precursors to secondary PM_{2.5};
- Air toxics ((TACs); and
- Greenhouse gases.

As the basin is in non-attainment for one-hour and eight-hour state ozone standards, state law requires the CAP to include all feasible measures to reduce emissions of ozone precursors and to reduce transport of ozone precursors to neighboring air basins. Also, in anticipation of future PM_{2.5} planning requirements, the CAP control strategy also aims to reduce PM emissions and concentrations.

The plan quantifies the necessary emission reductions to attain air quality standards, and presents strategies for attainment of air quality standards. The plan is based on population forecasts, vehicle miles traveled, economic activity, and other factors that influence emissions.

The CAP includes a variety of control measures. Many of these relate to industrial uses, but the following are relevant for residential uses. The Cap's "brief summary" of each is included here.

TCM D-1 - Bicycle Access and Facilities Improvements. TCM D-1 will expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities. This TCM also includes improving bicycle access to transit and supporting the annual Bike to Work event.

TCM D-2 - Pedestrian Access and Facilities Improvements. TCM D-2 will improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment and major activity centers. Improvements may include sidewalks/paths, benches, reduced street width, reduced intersection turning radii, crosswalks with activated signals, curb extensions/bulbs, buffers between sidewalks and traffic lanes, and street trees.

ECM 2 - Renewable Energy. This control measure consists of two components: 1) promote incorporation of renewable energy sources into new developments and redevelopment projects, and 2) foster innovative renewable energy projects through provision of incentives. Note: In addition, as part of the Further Study Measure entitled "Enhancement to Energy Measures," the District will evaluate the cost-effectiveness of solar thermal technology for consideration as a potential solar hot water heating rule.

ECM 3 - Urban Heat Island Mitigation. The control measure includes regulatory and educational approaches to reduce the "urban heat island" (UHI) phenomenon by increasing the application of "cool roofing" and "cool paving" technologies.

ECM 4. Shade Tree Planting. The control measure includes voluntary approaches to reduce the "urban heat island" phenomenon by increasing shading in urban and suburban communities through planting of (low VOC-emitting) trees and preservation of natural vegetation and ground cover.

Local

General Plan. The Monte Sereno General Plan includes Goal LU-3 which directs the City to coordinate growth and development with other agencies and supporting policy LU-3 ("Continue to take an active role in coordinating land use decisions with federal, state, and regional agencies, Santa Clara County, special districts and surrounding cities. Coordination shall address issues including but not limited to air quality and climate protection..."). Goal HS-4 directs the city to protect the community from man-made hazards such as air pollution.

4.3.3 IMPACTS AND MITIGATION

Methodology

When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make determinations of impact. The CEQA Guidelines state that, where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. In 1999 the Air District developed guidelines for determining significance for local projects titled Bay Area Air Quality Management District California Environmental Quality Act (CEQA) Air Quality Guidelines ("1999 Air District CEQA Guidelines").

In June 2010, the Air District revised the Guidelines to include adopted thresholds of significance based on substantial evidence to assist in the review of projects under CEQA. These thresholds were overturned by a Superior Court decision issued on March 5, 2012 but upheld in a later Court of Appeal decision. However, the California Supreme Court has granted a petition for review of the Court of Appeal decision. As a result, the 2012 Air District CEQA Guidelines (May 2012) contain no references to the adopted thresholds of significance.

According to the Air District website, lead agencies may continue to rely on the Air District's 1999 thresholds of significance. Lead agencies may also use the Air District's updated CEQA Guidelines for assistance in identifying potential mitigation measures and may also reference the Air District's CEQA Thresholds Options and Justification Report, which supports the 2010 thresholds and contains substantial evidence supporting those thresholds.

Although the Air District has been ordered to set aside the 2010 thresholds and is no longer recommending that these be used as a general measure of project's significant air quality impacts, the proposed 2010 thresholds and screening criteria provide a more conservative estimate of potential air quality impacts than the 1999 thresholds and screening criteria. Therefore, this analysis considers both the May 2010 and the previously-adopted 1999 thresholds. Note that the threshold for ozone precursors (ROG and nitrous oxide) was reduced from 80 pounds per day in the 1999 to 54 pounds per day in 2010, and the PM₁₀ threshold was increased slightly, from 80 pounds per day to 82 pounds per day. The analysis also considers the May 2012 Air District CEQA Guidelines in regards to evaluating health impacts and identifying mitigation measures.

AIR QUALITY

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?		X		
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?		X		
e. Create objectionable odors affecting a substantial number of people?			X	
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) Bay Area Air Quality Management District, 2010 Clean Pollution (CAP) Bay Area Air Quality Management District, CEQA Guidelines (2012)				

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals. Where applicable, potential impacts related to the First Baptist Church site and Program H-2.5 of the 2015-2023 are identified.

Impact 4.3 (a) Potentially Significant Unless Mitigation Incorporated

The BAAQMD adopted the Bay Area 2010 Clean Air Plan (CAP) to comply with state air quality planning requirements set forth in the California Health & Safety Code. A total of 55 control strategies have been developed as part of the CAP for land use, energy and climate, stationary sources, transportation, and mobile sources. Control strategies are designed to reduce emissions of ozone precursors, PM, air toxics, and greenhouse gases, work towards attainment of state ozone standards, reduce transport of ozone to neighboring

basins, and to protect public health and the climate. Measures to implement control strategies include the use of clean and efficient vehicles, Green Construction Fleets, enhanced bicycle and pedestrian access, energy efficiency, and others.

The BAAQMD CEQA Guidelines set forth criteria for determining consistency with the CAP. In general a project is considered consistent if a) the project supports the primary goals of the CAP, b) includes control measures and c) does not interfere with implementation of the CAP measures. The Housing Element Update is a policy document and consistent with the existing CAP and none of its proposed changes would conflict with the implementation of the CAP.

In regard to the impacts of Program H-2.5 to allow multifamily residential development in the "P" zoned First Baptist Church property, the CAP does include control measures, which could apply to residential projects. The Air Quality CEQA Guidelines do not state the extent to which a project must be consistent with potentially applicable control measures. Following are measures applicable to any potential multi-family residential project on the First Baptist Church site.

- **TCM D-1 - Bicycle Access and Facilities Improvements.** A proposed project could implement this control measure by constructing bicycle paths within the development with access to Daves Avenue, and providing bicycle parking within the development.
- **TCM D-2 - Pedestrian Access and Facilities Improvements.** A proposed project could implement this control measure by constructing sidewalks on streets within the development with connections to sidewalks on Daves Avenue.
- **ECM 2 - Renewable Energy.** A proposed project could implement this control measure by incorporating solar hot water or solar electricity into the development.

ECM 3 - Urban Heat Island Mitigation. The control measure includes regulatory and educational approaches to reduce the "urban heat island" (UHI) phenomenon by increasing the application of "cool roofing" and "cool paving" technologies.

- **ECM 4 - Shade Trees.** A proposed project could implement this control measure by planting new shade trees within the proposed project's development.

To ensure that any future development of the First Baptist Church site is consistent and does not conflict with the CAP, the following mitigation shall be required:

Mitigation Measure: AQ- 1

Any approval of future development of the site shall include applicable control measures from the Air District's current air quality plan. These control measures include, but are not limited to, the following:

- a. Provision of internal bicycle facilities with connection to Daves Avenue, and provision of bicycle parking within the development (TCM D-1 of the CAP);
- b. Provision of sidewalks on internal streets with sidewalks on Daves Avenue (TCM D-2 of the CAP);
- c. Incorporation of solar hot water or solar electricity into future development (ECM 2);

- d. Incorporation of cool roofing" and "cool paving" technologies into the development (ECM 2); and/or
- e. Inclusion of shade trees in landscaping plans (ECM 4).

With implementation of Mitigation Measure AQ-1, which requires future development of the First Baptist Church site to incorporate applicable control measures as recommended by the Air District, the proposed project is consistent with the 2010 CAP. The impact is **less than significant with mitigation**.

Impact 4.3 (b) Potentially Significant Unless Mitigation Incorporated

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan for a total of 61 units. The Project is a policy-level document and does not include any project specific designs or proposals. In regard to the impacts of Program H-2.5 to allow residential development in the "P" zoned First Baptist Church property, it can be reasonably assumed that the proposal would lead to development of the site with up to 15 multi-family units, potentially resulting in construction and operation emissions.

Construction Emissions. New emissions would be generated from construction activities associated with future development on the First Baptist Church site and during other housing construction. Emissions generated during construction are considered "short term" because they would be limited to the actual periods of site development and construction. Short-term construction emissions are typically generated by the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction equipment emits carbon monoxide and ozone precursors. Construction projects using typical construction equipment are accommodated in the emissions inventories of state- and federally- required air plans and would not have a significant impact on the attainment and maintenance of ozone ambient air quality standards. Future development of the site is not expected to require the use of non-typical construction equipment and would not have a significant impact on the attainment and maintenance of ozone ambient air quality standards.

Fine particulate matter with a diameter of 10 micrometers or less (PM10) is the pollutant of greatest concern with respect to construction activities. The 1999 Air Quality Guidelines recommended certain Basic Control Measures for all construction sites, which were expanded in a list of recommended Basic Construction Mitigation Measures in the 2012 Air Quality Guidelines. The proposed 2010 screening criteria stated that a project would result in a less-than-significant impact during construction if it met the following criteria:

1. Below the applicable screening level (240 units for low-rise apartments);
2. Incorporated all Basic Construction Mitigation Measures; and
3. Would not include demolition; simultaneous occurrence of more than one construction phases, more than one land use type, extensive site preparation, or extensive material transport.

No development proposed as a result of the Housing Element Update will result in the construction of 240 units; the total RHNA accommodated in the Housing Element totals 61 units. Development permitted on the First Baptist Church site is proposed to be located on an open, flat portion of the site that will not require extensive site preparation or material transport and only one land use type. With implementation of Mitigation Measure AQ-2, which includes all Basic Construction Measures as recommended by the Air District, criteria emissions associated with short-term construction activities would be **less than significant with implementation of mitigation**.

Mitigation Measure: AQ- 2

Approval of any future development shall include applicable measures from the Air District's Basic Construction Mitigation Measures. These measures include the following:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day;
- b. All haul trucks transporting soil, sand, or other loose material off-site will be covered;
- c. All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- d. All vehicle speeds on unpaved roads will be limited to 15 mph;
- e. All roadways, driveways and sidewalks to be paved will be completed as soon as possible. Pavement surfaces will be laid as soon as possible after grading unless seeding or soil binders are used;
- f. Idling times will 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 will be provided for construction workers at all access points;
- g. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
- h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person will respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulation.

Operational Impact. Emissions from long-term operations generally represent a project's most substantial air quality impact. After a project is built, operational emissions including mobile and area sources are anticipated to occur continuously throughout the project's lifetime. The Air District CEQA 1999 and 2012 Guidelines include thresholds of significance for operational related criteria air pollutants including ozone precursors ((ROG, Nitrous Oxide (NOx)), and the 1999 Guidelines and 2010 Draft Guidelines contain screening criteria to determine if a project may result in the generation of operational criteria air pollutants that exceed the thresholds of significance. If daily average or annual emissions of operational-related criteria air pollutants or precursors do not exceed any applicable threshold listed in the table, the proposed project would also not result in a cumulative significant impact.

The 1999 Guidelines state that apartment projects with 510 units or more may have potentially significant operational emissions. The Draft 2010 Guidelines reduced that number to 451 units for low-rise apartments. The development permitted under the Housing Element Update is far below those screening levels. Therefore, the Project would have a **less than significant impact** on operational emissions.

Impact 4.3 (c) Less Than Significant Impact

As described previously, the project will not result in a cumulatively considerable net increase of any criteria pollutants. As such, the operation and construction activities will result in a less than significant impact.

Impact 4.3 (d) Potentially Significant Unless Mitigation Incorporated

The First Baptist Church site is surrounded on all sides by single family residential and the Daves Avenue Elementary School. Due to the location of sensitive receptors in proximity to the project site, a proposed project may result in the exposure of some sensitive receptors to pollutant concentrations during construction activity, which although short-term in nature, would be a potentially significant impact.

The 2012 Air District CEQA Guidelines (page 8-2) recommend implementing the Basic Construction Mitigation Measures to mitigate air quality construction exposure to sensitive receptors.

With implementation of Mitigation Measure AQ-2 above, which includes effective and comprehensive dust control and machinery control measures as recommended by the Air District, exposure of sensitive receptors to pollutants associated with short-term construction activities would be **less than significant with implementation of mitigation.**

Impact 4.3 (e) Less Than Significant Impact

Construction activities associated with any future development of the First Baptist Church site may result in odors; however, the impact would be minimal and short-term in duration. Therefore, the impact is **less than significant.**

4.4 BIOLOGICAL RESOURCES

This section outlines the existing biological and natural resource setting of the Project; the federal, state, and local regulatory framework pertaining to biological resources; and an evaluation of anticipated biological and natural resource impacts of the proposed Project.

4.4.1 ENVIRONMENTAL SETTING

The City of Monte Sereno is primarily a developed community. With regard to general geographic subdivisions, the project site is located in the Central Western California region and San Francisco Bay Area subregion. Geographic features including Mount Tamalpais, the Santa Cruz Mountains, and the northern Diablo Range, including Mount Diablo and Mount Hamilton, define this subregion. It contains various vegetation types ranging from very wet redwood forest to dry oak/pine woodland and chaparral. The region experiences a Mediterranean-type climate, which can be characterized as moist, mild winters and dry, warm summers. There are approximately 38 acres of Open Space designated land as identified in the General Plan (pg. 17). The Open Space designation is "...used to preserve environmentally sensitive areas and maintain a high quality scenic beauty in the community. Allowable uses are limited to unimproved open space and public facilities." No part of the First Baptist Church site is designated as Open Space in the General Plan.

The majority of the First Baptist Church site contains developed areas (buildings and paved parking lots) with interspersed ornamental landscaped vegetation composed of various mature non-native and native plants including trees such as coast redwood, ornamental plants and turf grass. The majority of the vegetation in the rear of the property is located along the perimeter of the property and primarily consists of trees and other large ornamental shrubbery that acts as a screen for neighboring residential properties. See Exhibit 8 below for a photograph of some of the vegetation along the back perimeter of the First Baptist Church site.



Exhibit 8: Example of vegetation in rear of First Baptist Church property

The already developed areas of the site and the dense and the largely open and unvegetated understory greatly reduce the potential for any special-status plant species to occur. If a native open understory existed, then marginally suitable habitat could be present for several special-status plant species.

4.4.2 POLICY AND REGULATORY SETTING

Federal

Endangered Species Act.

The federal Endangered Species Act of 1973 (known hereafter as the "Act") protects species that the U.S. Fish and Wildlife Service (USFWS) have listed as "Endangered" or "Threatened." Permits may be required from USFWS if activities associated with a proposed project would result in the "take" of a federally listed species or its habitat. Under the Act, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in take. "Take" of a listed species is prohibited unless (1) a Section 10 (a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

Migratory Bird Treaty Act.

The federal Migratory Bird Treaty Act (META: 16 U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The Migratory Bird Treaty Act encompasses whole birds, parts of birds, bird nests, and eggs.

Clean Water Act.

Section 404 of the Clean Water Act (CWA) of 1972 regulates the discharge of dredge and fill material into "Waters of the U.S." including wetlands. Certain natural drainage channels and wetlands are considered jurisdictional "Waters of the U.S." The U.S. Army Corps of Engineers (USACE) is responsible for administering the 404 permit program and determines the extent of jurisdiction within drainage channels as defined by ordinary high water marks on channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2006 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.

Activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the developer agrees to provide mitigation resulting in no net loss of wetland function or value. In addition to individual discharge permits, the USACE issues nationwide permits applicable to certain activities. Under Section 401 of the CWA, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state Regional Water Quality Control Board (RWQCB) is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System (NPDES) permits.

State

California Endangered Species Act.

Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an incidental take permit from the CDFG is required for projects that could result in the take of a state-listed Threatened or Endangered species. "Take" is defined under these laws as an activity that would directly or indirectly kill an individual of a species. If a proposed project would result in the take of a state-listed species, then a CDFG Incidental Take Permit, including the preparation of a conservation plan, would be required.

Nesting Birds and Birds of Prey. Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs.

Birds of prey are specifically protected in California under provisions of the California Fish and Game Code, Section 3503.5. This section states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the breeding season, is considered take by the CDFG.

Streambed Alterations. The CDFG has jurisdiction over the bed and bank of natural drainages according to provisions of Sections 1601 through 1603 of the California Fish and Game Code. Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that support wildlife resources and/or riparian vegetation are subject to CDFG regulations. Activities that would disturb these drainages are regulated by the CDFG; authorization is required in the form of a Streambed Alteration Agreement. Such an agreement typically stipulates certain measures that will protect the habitat values of the drainage in question.

California Porter-Cologne Water Quality Control Act. Under the California Porter-Cologne Water Quality Control Act, the applicable RWQCB may necessitate Waste Discharge Requirements for the fill or alteration of "Waters of the State," which according to California Water Code Section 13050 includes "any surface water or groundwater, including saline waters, within the boundaries of the state." The RWQCB may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction.

Oak Woodlands. AB 242 (2001) and SB 1334 (2004) were adopted by the California Legislature to help protect oak woodlands. The Legislature recognized oak woodlands for their value in providing habitat for over 300 wildlife species, moderating temperature extremes, reducing soil erosion, and sustaining water quality. SB 1334 requires specific mitigation measures for preservation of oak woodlands but is only applicable to counties.

Local

City of Monte Sereno General Plan.

The City of Monte Sereno General Plan, Open Space and Conservation Element, includes the following biological resource and urban tree canopy protection policies:

OSC--4.1 Preserve and rehabilitate natural habitat areas that support wildlife, particularly large contiguous areas of open space and riparian habitat along creeks.

OSC-4.2 Preserve and protect rare, endangered and other sensitive species.

OSC-4.3 Require development project applicants to submit biological surveys necessary to ensure compliance with all local, regional, State and federal environmental regulations.

OSC-4.4 Require mitigation of potential impacts to special status plant and animal species based on a policy of no-net-loss of habitat value. Mitigation measures shall incorporate, as the City deems appropriate, the guidelines and recommendations of the US Fish and Wildlife Service and the California Department of Fish and Game.

OSC-4.5 Encourage the retention and re-establishment of native vegetation in all private development projects and public facility construction projects.

OSC-4.6 Use native plants for landscaping of all public projects to the extent possible.

OSC-4.7 Encourage the use of native vegetation in landscape plans for all new development.

OSC-5.1 Continue to require that development proposals minimize the disturbance to or removal of existing trees to the extent possible.

OSC-5.2 Require that removed trees be replaced with at least a one-to-one ratio, unless prohibited by good forestry practices.

OSC-5.3 Encourage the replacement of non-native trees with California native tree species.

OSC-5.4 Continue to preserve and protect California native trees while recognizing the need to allow for the gradual replacement of trees for on-going natural renewal.

OSC-5.5 Continue to enforce the Tree Removal Ordinance and require development proposals to provide adequate information to City staff to assess the project's impact on existing trees.

OSC-5.6 Continue to preserve the quality of trees in public and private open space areas.

The General Plan also identifies in Table OS-1 (Page 80), the following sensitive biological species in the Monte Sereno vicinity:

- Caper-Fruited Tropidocarpum – Plant (State - Species of Special Concern)
- Hairless popcorn-flower - Plant (State - Species of Special Concern)
- Hoary Bat – Vertebrate Animal (State - Species of Special Concern)
- Loma Prieta hoita – Plant (State – Species of Special Concern)
- Robust spineflower – Plant (State – Species of Special Concern, Federal – Endangered)
- Western pond turtle – Vertebrate Animal (State – Species of Special Concern)

The Environmental Impact Report on the Monte Sereno General Plan and Municipal Code Amendments (State Clearinghouse # 2012082063) also concluded that there was a low potential that the special-status pallid bat was located in the City.

City of Monte Sereno Tree Preservation Ordinance.

The City of Monte Sereno's Tree Preservation Ordinance (Chapter 10.15) requires an applicant to obtain a permit in order to remove significant trees, which are defined as:

....those whose visual importance to the neighborhood is sufficient to justify special efforts to protect and preserve them and whose loss would be of irremediable adverse impact on the environment. Factors to be considered in determining the significance of trees are age, size, rarity and appearance. Notwithstanding the preceding, each of the following is declared to be a significant tree or trees:

- A. Oaks or redwood trees having a circumference greater than twenty (20) inches measured at a height of four (4) feet above ground level.
- B. Any tree having a circumference greater than twenty-five (25) inches measured at a height of four (4) feet above ground level.
- C. Any three (3) or more trees proposed to be removed from any parcel of property within a twelve (12) month period.

The Ordinance requires that a protective fence be constructed at least five feet from the trunk of any significant tree during any construction being carried out near the tree. Trees removed without a permit must be replaced on a one-to-one basis, or, if this provides inadequate mitigation, a cash payment may be required.

City of Monte Sereno Subdivision Ordinance.

The City of Monte Sereno's Subdivision Ordinance (Chapter 13.01) defines significant trees as:

....those trees whose visual importance to the neighborhood is sufficient to justify special efforts to protect and preserve them or whose loss would be of irremediable adverse impact on the environment. Factors to be considered in determining the significance of trees are age, size, rarity and appearance, and shall include any tree considered significant by definition pursuant to the City's Tree Preservation provision in this Code.6. Significant trees shall be shown on all maps and require approval of the City Council before being removed.

Specifically, but not exclusively, no trees larger than six (6) inches in diameter may be removed without the Council's approval.

4.4.3 IMPACTS AND MITIGATION MEASURES

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

Where applicable, potential impacts related to the First Baptist Church site and Program H-2.5 of the 2015-2023 are identified.

BIOLOGICAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		X		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
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
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	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
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

Sources:

City of Monte Sereno General Plan, 2009
City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final)
City of Monte Sereno, Tree Preservation Ordinance, Chapter 10.15
City of Monte Sereno, Subdivision Ordinance, Chapter 13.01
State of California, Department of Fish and Game, California Natural Diversity Database (CNDDB)
State of California, Department of Fish and Game Code, Sections 3505, 3503.5, and 3800.
California Native Plant Society, Inventory of Rare and Endangered Plants
U.S. Fish and Wildlife Service (USFWS), Endangered Species Program, Species List for Santa Clara County.

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan.

Impact 4.4 (a) Potentially Significant Unless Mitigation Implemented

In regard to the impacts of Program H-2.5 to allow residential development in the "P" zoned First Baptist Church property, all habitat on the site has been replaced with ornamental landscaping, so it is highly unlikely that special species plants exist on the site. The site contains no wetlands or ponds and so is unsuitable for the Western pond turtle. However, it is possible that the trees on the site provide suitable habitat for nesting birds and for the special-status hoary bat and pallid bat.

Nesting birds. Construction noise and/or tree removal associated with the proposed project have the potential to impact nesting birds (including raptors) protected under the federal Migratory Bird Treaty Act and California Fish and Game Code. The project site contains mature native and non-native trees with potential to support nesting birds in the developed portion of the site. If protected species are nesting in or adjacent to the project site during the bird nesting season (February through August), then noise-generating and/or tree removal construction activities could result in the loss of fertile eggs or nestlings, or otherwise lead to the abandonment of nests. Implementation of the following mitigation measure would reduce potentially significant impacts to nesting birds to a less than significant level.

Mitigation Measure: Bio-1

To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (February through August). If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey shall be conducted no more than 7 days prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 250 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 250 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction would not impact the active nest.

Special-Status Bats. There is low potential that mature trees on the project site provide roosting areas for special-status bat species that may occur in the project vicinity. Marginally suitable roosting habitat is present on the project site for special-status pallid bat (*Antrozous pallidus*), which is a State Species of Special Concern.

The hoary bat, which is also a State Species of Special Concern, may roost at the ends of coniferous or deciduous trees and has been found in suburban areas. Therefore, proposed project development has a low potential to directly affect individual bats should they be roosting on the First Baptist Church site during construction activities. The following mitigation measure would reduce this potential impact to a less than significant level.

Mitigation Measure: Bio-2

To avoid impacting active pallid bat and hoary bat roosts, if present, any mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate.

Implementation of mitigation measures Bio 1 and Bio 2 will ensure that any potential impacts to nesting birds and pallid and hoary bats are reduced by requiring avoidance measures and/or pre-construction surveys to ensure development activities to not disrupt nesting/roosting activities. Therefore, this impact is **less than significant impact with mitigation incorporated**.

Impact 4.4 (b) No Impact

No riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service exists on the site, and therefore any development of the site will have **no impact**.

Impact 4.4 (c) No impact

The project site does not contain federally protected wetlands or waterways; therefore, no federal protected wetlands or waterways will be affected by the proposed project and there is **no impact**.

Impact 4.4 (d) Less Than Significant Impact

Wildlife corridors provide connectivity between habitat areas, enhancing species richness and diversity and usually also provide cover, water, food, and breeding sites. It is possible that some of the vegetated areas of the site facilitate some wildlife movement for commonly occurring, urban-adapted mammals such as the opossums or raccoons. However, due to the small size of the site and its proximity to existing residential development, adverse impacts to common species would be considered **less than significant**.

Impact 4.4 (e) Potentially Significant Unless Mitigation Implemented

Native and non-native trees have been planted on the project site, especially along the perimeter of the back of the project site. If development plans were submitted for the site, any tree removal or construction activities would need to comply with the City's tree protection policies and ordinance and General Plan policy OSC 5.6. Specifically, but not exclusively, no trees larger than six (6) inches in diameter may be removed without the Council's approval. Mitigation measure AES-1 requires preservation of the mature trees that screen the property from adjacent residences.

Mitigation Measure: Bio-3

If future development of the project site includes the removal of any significant trees as defined in the City's Tree Preservation Ordinance or are over six inches in diameter per the Subdivision Ordinance, the developer shall plant a California native tree species with at least a one-to-one replacement ratio on the project site, unless inconsistent with good forestry practices, and obtain a permit prior to removal of any significant trees or trees over six inches in diameter, in compliance with the City of Monte Sereno's Tree Preservation Ordinance and/or Subdivision Ordinance. A qualified arborist shall also survey any trees to be preserved; including the trunk diameter, canopy spread, species, condition, and location, and recommend specific steps that must be taken during construction to ensure that those trees are not impacted during construction.

Implementation of mitigation measure B10-3 will ensure that the project would not conflict with any local policies or ordinances protecting biological resources, by requiring tree replacement consistent with the General Plan and compliance with the City's Tree Preservation Ordinance and the Subdivision Ordinance. Therefore, this impact is **less than significant impact with mitigation incorporated**.

Impact 4.4 (f) No impact

No Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or State Habitat Conservation Plan exists that includes the City of Monte Sereno. The Housing Element Update and Program H-2.5 would have **no impact** due to a conflict with the provisions of an adopted Habitat Conservation Plan, or any other Natural Community Conservation Plan approved by a local, regional or state body.

4.5 CULTURAL RESOURCES

4.5.1 ENVIRONMENTAL SETTING

The environmental setting of Monte Sereno includes properties with historic significance as identified through either the National Register of Historic Places or local designation. According to the City's General Plan (page 79), the following four Monte Sereno properties are designated as historic resources:

- Steinbeck House (16250 Greenwood Lane) in which American author John Steinbeck wrote the Grapes of Wrath. This property is listed on the National Register of Historic Places.
- 17981 Saratoga-Los Gatos Road
- 17940 Saratoga-Los Gatos Road
- 17985 Saratoga-Los Gatos Road

The General Plan (page 80) further states that archaeological resources may be present in the City in the alluvial areas near streams and other water bodies, although the City has no documented evidence of such resources.

The First Baptist Church was originally constructed over 50 years ago, but since its original construction there have been numerous remodels and additions to the building. The Project does not propose to modify or demolish any portion of the Church to accommodate additional dwellings on the property.

4.5.2 POLICY AND REGULATORY SETTING

State

Public Resources Code, Section 5097.

Public Resources Code, Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on non-federal land. The disposition of Native American burial falls within the jurisdiction of the California Native American Heritage Commission (NAHC). Section 5097.5 of the Code states the following: No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor. As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the State or any city county, district, authority or public corporation, or any agency thereof. No public lands are expected to be affected by policies in the Housing Element.

Health and Safety Code, Section 7052 and 7050.5 Public Resources Code 5097.

Health and Safety Code, Section 7052 and 7050.5 Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.

California State Senate Bill 18 (SB18).

California State Senate Bill 18 (SB18), signed into law in September 2004 and implemented March 1, 2005, requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places (also referred to as Traditional Cultural Properties). The Governor's Office of Planning and Research was mandated to amend its General Plan Guidelines to include the stipulations of SB 18 and to add advice for consulting with

California Native American Tribes. According to the Tribal Consultation Guidelines, SB 18 "requires local governments to involve California Native Americans in early stages of land use planning, extends to both public and private lands, and includes both federally recognized and non-federally recognized tribes" (Governor's Office of Planning and Research 2005).

CEQA Guidelines Section 15064.5.

CEQA Guidelines section 15064.5(a)(i) defines an historical resource as, among other things, a resource listed or eligible for listing on the CRHR. In addition, a resource is presumed to constitute a historical resource if it is included in a local register of historical resources unless the preponderance of evidence demonstrates that it is not historically or culturally significant (CEQA Guidelines, Section 15064.5 (a)(2)).

CEQA Guidelines section 15064.5(b)(2) describes a historic resource as being "materially impaired" when a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in either, the CRHR, a local register of historic resources, or a historical resources survey".

In order to be determined significant, a historical resource must meet one or more of the following four criteria:

1. Association with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Association with the lives of persons important to local, California, or national history;
3. Embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, a property must also retain its integrity. Integrity is defined as a function of a property's location, design, setting, materials, workmanship, feeling and association. According to these criteria, a property must retain enough of its historic character or appearance to be recognizable as a historical resource and convey the reasons for its significance. The seven aspects of integrity are defined as follows:

1. Location is the place where the historic property was constructed or the place where the historic event occurred;
2. Design is the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting is the physical environment of a historic property;
4. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
6. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time; and
7. Association is the direct link between an important historic event or person and a historic property.

General Plan Guidelines.

Goal OSC-9 of the Monte Sereno General Plan directs the City to "preserve cultural resources in Monte Sereno." Listed below are the policies and action to achieve this goal:

Policy OSC-9.1 Support property owners' efforts to preserve the character of older homes when reviewing development project applications.

Policy OSC-9.2 Continue to enforce the City's Historic Preservation Ordinance.

Action OSC-9.1 Consider the establishment of a location to display historical material.

Heritage Preservation Ordinance.

Chapter 12.01.010 of the City's Code of Ordinances states that "the recognition, preservation, and enhancement of heritage resources within the City of Monte Sereno are in the interest of the cultural and aesthetic enrichment of the people of the City of Monte Sereno. The purpose of the chapter is as follows:

- A. Encourage and foster the voluntary preservation, enhancement, and protection of irreplaceable heritage resources that represent significant elements of the community's history.
- B. Encourage public knowledge, understanding and appreciation of the City's past and cultivate civic and neighborhood pride based upon the recognition of the City's history and heritage resources.
- C. Establish incentives and promote an environment of community recognition, respect and esteem in order to promote a willingness of those owners of historically significant properties to voluntarily maintain and preserve such structures for the benefit of the entire community.
- D. Establish requirements to assure the preservation of historic structures, which have already been determined to be significant heritage resources and placed on the historical inventory.

4.5.3 IMPACTS AND MITIGATION

Methodology

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

Where applicable, potential impacts related to the First Baptist Church site and Program H-2.5 of the 2015-2023 are identified.

CULTURAL RESOURCES

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?		X		
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?		X		
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d. Disturb any human remains, including those interred outside of formal cemeteries?		X		
Sources: City of Monte Sereno General Plan, 2009City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) City of Monte Sereno, Historic Preservation Ordinance Chapter 12.01.010 State of California, CEQA Guidelines State of California, Office of Historic Preservation, California Historical Resources Information System (CHRIS)				

Impact 4.5 (a) Potentially Significant Unless Mitigation Incorporated

Some elements of the First Baptist Church are more than 50 years old, although numerous additions and remodels have taken place since its original construction, and the building may not have maintained its integrity. However, an historic evaluation of the building has not been completed. While Program H-2.5 proposes to retain the Church while constructing up to 15 housing units on underdeveloped portions of the site, if the Church is found to be a historic resource, then adjacent development could affect its significance.

The following mitigation measure would reduce impacts to historic architectural resources to a less-than-significant level.

Mitigation Measure: CR-1

Historic Evaluation: The City shall require completion of an historic and architectural evaluation of the Church at the time any application is made for residential development of the First Baptist Church site. The project sponsor shall be required to retain a qualified architectural historian to complete a site-specific historic resources study consistent with the Secretary of the Interior’s Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, an intensive-level pedestrian field survey, an

evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of any identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If federal or state funds are involved, certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.

Treatment in Accordance with the Secretary of the Interior's Standards. If the Church building is found to be a historic resource, any future proposed project on the Church site that would affect the Church shall conform to the *Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995). The *Standards* require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures and compatible adjacent development.

Implementation of mitigation measure CR-1 will ensure that the development of housing on the Church site would not conflict with the Secretary of the Interior's Standards. Therefore, this impact is **less than significant impact with mitigation incorporated**.

Impact 4.5 (b) Potentially Significant Unless Mitigation Incorporated

The General Plan (page 80) states that archaeological resources may be present in the City in the alluvial areas near streams and other water bodies, although the City has no documented evidence of such resources. There is no stream or water body on or adjacent to the site. Although no evidence of potentially sensitive cultural resources are associated with the project site, there is the possibility of an accidental discovery or recognition of archaeological resources during construction activities. Therefore, implementation of the following mitigation measure shall be required:

Mitigation Measure: CR-2

Due to the possibility that significant buried prehistoric cultural resources might be found during future construction activities, the following language shall be included in all construction documents associated with future development of the project site:

"If prehistoric archaeological resources (i.e., prehistoric sites, and/or isolated artifacts) are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The City shall be notified, and the City shall retain a qualified professional historian and/or archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in history and/or archaeology at the Applicant's expense to evaluate and determine the significance of the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."

Implementation of mitigation measure CR-2 would ensure that potential impacts due to a substantial adverse change in the significance of a archaeological resource would be reduced to a less than significant level by ensuring that in the event of accidental discovery of a buried archaeological resource, work is stopped and appropriate mitigation is formulated and implemented. The impact would be **less than significant with mitigation**.

Impact 4.5 (c) No Impact

The City's General Plan does not identify the First Baptist Church property as paleontologically sensitive (page 80). Therefore, there is **no impact** anticipated to archaeological resources.

Impact 4.5 (d) Potentially Significant Unless Mitigation Incorporated

Although there is no evidence of potentially sensitive cultural resources associated with the project site, there is the possibility of an accidental discovery of human remains during construction activities. Therefore, implementation of the following mitigation measure shall be required:

Mitigation Measure: CR-3

Any approval of a development application for the First Baptist Church site shall include the requirement that, in the event of an accidental discovery or recognition of any human remains, the following language shall be included in all construction documents associated with future development of the project site in accordance with CEQA Guidelines section 15064.5(e):

"If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Monte Sereno or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The City of Monte Sereno or its authorized representative shall reburial the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the City of Monte Sereno or its authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."

Implementation of mitigation measure CR-3 would ensure that potential impacts due to a disturbance of human remains would be reduced to a less than significant level by requiring that in the event of accidental discovery or recognition of any human remains during construction, work shall be stopped and the human remains and any associated grave goods will be treated or disposed of with appropriate dignity and not subject to future disturbance. The impact would be **less than significant with mitigation**.

4.6 GEOLOGY AND SOILS

4.6.1 ENVIRONMENTAL SETTING

The City of Monte Sereno is located in the southern portion of the Santa Clara Valley and lies within the Coastal Ranges Geomorphic Province, which is a discontinuous series of northwest-southwest trending mountain ranges, ridges and intervening valleys characterized by complex folding and faulting. The Coast Ranges are composed of thick late Mesozoic and Cenozoic sedimentary strata. The northern and southern ranges are separated by a structural depression containing the San Francisco Bay.

Seismicity

Faults.

A fault is defined as a fracture or zone of closely associated fractures along which rocks on one side have been displaced with respect to those on the other side. Most faults are the result of repeated displacement that may have taken place suddenly and/or by slow creep. A fault is distinguished from those fractures or shears caused by landsliding or other gravity-induced surficial failures. A fault zone is a zone of related faults that commonly are braided and subparallel, but may be branching and divergent. A fault zone has significant width (with respect to the scale at which the fault is being considered, portrayed, or investigated), ranging from a few feet to several miles (California Department of Conservation 2007, page 3).

The City is located within the seismically active San Francisco Bay region, which is one of the most seismically active zones in the United States. The closest major fault is the San Andreas Fault located south of the City, but within the City's sphere of influence. The potentially active Shannon Fault runs just north of the City through the Town of Los Gatos (City of Monte Sereno General Plan, page 100; Figure HS-2). An official Alquist-Priolo Special Studies Zone encompassing this fault trace has been designated by the State of California and includes a portion of the City in the vicinity of La Rinconada Drive and Winchester Boulevard, located east of the First Baptist Church site. No earthquake faults have been identified within the City of Monte Sereno itself (City of Monte Sereno General Plan, page 8; Figure HS-2).

Ground Shaking.

The faults in the San Francisco Bay region are capable of generating very powerful earthquakes. San Andreas Fault is capable of producing a magnitude 7.5 or greater under existing known geologic conditions (USGS Hazards Program, summary). In 2008, the USGS estimated that the likelihood of the San Francisco Bay region of experiencing a 6.7 or greater earthquake in the next 30 years was 67%. A high magnitude eruption in the Bay Area would likely produce very strong ground shaking in Monte Sereno

Ground Failure.

Ground-surface disturbance or ground failure is a phenomenon associated with seismic shaking. Ground failure can occur as subsidence, lateral ground spreading or displacement, sand boils, small ground fissures. Ground oscillation can be observed as buckled pavements, curbs, broken pipelines, etc.

Liquefaction is the temporary, but total loss of the shear strength of soils because of pore pressure buildup under the shear stresses associated with earthquakes. Liquefaction can occur in saturated loose, sandy soils when water saturated, cohesionless sediments lose strength during seismic activity.

Lateral spreading is a potential hazard commonly associated with liquefaction. This happens when extensional ground cracking and settlement occur as a response to lateral migration of subsurface liquefiable

material or sensitive clays. Lateral spreading typically occurs in weaker soils on slopes and adjacent to open channels that are subjected to strong ground shaking during earthquakes.

Dynamic compaction or seismic settlement is a form of seismically induced ground failure. This typically occurs in unsaturated loose granular material or un-compacted fill. Figure HS-4, page 103, of the General Plan shows that the First Baptist Church site has low liquefaction potential.

Landslide Hazards.

The First Baptist Church site is flat and not adjacent to hillsides. It is classified by the City as in an area with historically few landslides (General Plan, Figure HS-3, page 102)

Expansive Soils.

Expansive soils are susceptible to expansion or contraction as moisture content changes. Expansive soils swell when wet and shrink when dry, which can damage buildings that are not designed properly. Clay soils are especially prone to shrink or swell due to their high water holding capacity and elastic qualities.

Erosion Hazard.

Erosion is a natural process caused by wind, water, or gravitational forces, which can result in soil removal or erosion of soil from a site. The primary geological effects of erosion are loss of topsoil, rut formation, and potential destabilization of slopes. Subsequent deposition to another site is sedimentation. Because the First Baptist Church site is flat, it has low potential for erosion, although some may occur on exposed ground during construction.

4.6.2 POLICY AND REGULATORY SETTING

State

Alquist Priolo Earthquake Fault Zoning Act.

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. This state law was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures.

The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act addresses only the hazard of surface fault rupture, and is not directed toward other earthquake hazards.

Local agencies must regulate most development projects within the zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active fault. A licensed geologist must prepare an evaluation and written report of a specific site. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet).

No part of the First Baptist Church site is located within an Alquist Priolo Earthquake Fault Zone.

Seismic Hazards Mapping Act. Public Resources Code Section 2699 directs cities and counties to "take into account the information provided in available seismic hazard maps" when it adopts or revises the safety element of the General Plan and any land-use planning or permitting ordinances. Cities and counties should consider the information presented in these guidelines when adopting or revising these plans and ordinances.

The Seismic Hazards Mapping Program, developed by the California Geologic Survey uses geologic maps to help account for the effect earth materials have on damaging ground shaking and ground failure to structures during an earthquake. In the Seismic Hazards Mapping Program, earth materials are classified according to their adverse effects on buildings and other man-made structures. Development in seismic hazard areas is subject to policies and criteria established by the California Geologic Survey. Approval of development on a site within a seismic hazard area requires the preparation of a geotechnical report in accordance with guidelines established by the California Geological Survey. The First Baptist Church site is not located within a liquefaction hazard zone or other hazard zone. Therefore, the Seismic Hazards Mapping Act does not apply to the site.

Building Codes. The regulatory environment for the design and construction industries consists of building codes and standards covering local, state, federal, land use and environmental regulations. Building codes and standards are developed specifically for the purpose of regulating the life, safety, health and welfare of the public with respect to building construction and maintenance. Once adopted, building codes become law.

The Uniform Building Code (UBC) was first enacted by the International Conference of Building Officials (ICBO) on October 18-21, 1927. Revised editions of this code have been published approximately every three years since that time. In California the California Building Code (CBC) is used, which incorporates by adoption the UBC and includes necessary California amendments. Monte Sereno has adopted the 2013 CBC, the most recent edition of the Code..

California Building Code. The California Building Code regulates new building construction in California by providing standards for building design. The CBC is codified in Title 24 of the California Code of Regulations. It incorporates the Uniform Building Code, a widely adopted model building code in the United States. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. It also regulates grading activities, including drainage and erosion control. The CBC provides requirements for structural design and includes means for determining earthquake loads, including provisions to withstand ground shaking. While all earthquake damage will not be prevented, a well designed structure built as specified should not cause loss of life in a major earthquake. The earthquake design requirements take into account the occupancy, soil types, distance to faults, type of structure, and other and apply to all construction in California.

Local

City of Monte Sereno General Plan.

The City of Monte Sereno General Plan, Health and Safety Element, includes the following policies regarding geological hazards and erosion control:

Policy HS-2.1 Evaluate seismic risks and requires earthquake protection measures as part of the Development Review process.

Policy HS-2.2 Development project applicant shall perform geologic hazard investigations for all projects proposed in hillside areas to insure potential landslide hazards due to development are mitigated.

Policy HS-2.3 Require new building plans in high risk areas meet current seismic building codes and use methods of construction to withstand stress caused by an earthquake.

Policy HS-2.4 Design new roads and utility lines to minimize damage and allow quick restoration of service following earthquake damage.

Policy HS-3.1 Engineer roads in hillside areas to standards that prevent excessive maintenance and repair costs.

Policy HS-3.2 Require the preparation of soils reports prior to the approval of new structures or significant additions to existing structures. Based on the findings of these reports, the City shall require that any identified soil problems are mitigated in the design and construction of new structures.

Policy HS-3.3 Require that new development is constructed in such a manner as to protect life and property from soil erosion and slope failure.

Policy HS-3.4 Require re-vegetation where feasible to mitigate the appearance of engineered slopes and to control erosion contour grading.

City of Monte Sereno Ordinances.

The City's Subdivision Ordinance contains provisions requiring soils reports and special studies in hazardous areas. Municipal Code Section 13.020.010 (Hazardous Areas) requires that:

Any proposed subdivision on the active trace or in the currently active zone of the San Andreas Fault, or in the immediate vicinity of such fault or zone, or in an area which has critically expansive or other undesirable soil conditions which, if not corrected, would lead to structural defects or damage to subdivision improvements, may be approved only after submission to and approval by the City Council of a special geological and/or soil engineering report prepared by a recognized authority. Such report shall specify the remedial measures, if any are necessary that will make the subdivision safe for development. Adequate guarantee must be provided prior to recording the final map or parcel map that such measures as are necessary will be taken before construction of any buildings or acceptance of any improvements by the City. No structure will be permitted on slopes in excess of forty percent (40%). Building sites must have an area of at least six thousand (6,000) square feet and slopes less than forty percent (40%).

In addition, Section 13.02.400 requires a preliminary geotechnical report for every subdivision, including recommendations for corrective measures designed to prevent structural damage to any dwelling that may be proposed to be constructed on the lot. Any building permit issued by the City shall be conditioned upon the incorporation of the corrective measures recommended in the report.

4.6.3 IMPACTS AND MITIGATION

Methodology

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

GEOLOGY AND SOILS

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
(1) 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	
(2) Strong seismic ground shaking?			X	
(3) Seismic-related ground failure, including liquefaction?			X	
4) Landslides?			X	
b. Result in substantial soil erosion or the loss of topsoil?			X	
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
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	
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

Sources:

City of Monte Sereno General Plan, 2009

City of Monte Sereno Municipal Code, including Subdivision Ordinance, Section 13.020.010 and 13.020.400

City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final)
U.S. Department of Agriculture, Soil Survey for Western Santa Clara County.

Impact 4.6 (a 1 – a 4) Less Than Significant Impact

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

In regard to the impacts of Program H-2.5 to allow residential development in the "P" zoned First Baptist Church property, the site is not located in an Alquist- Priolo Earthquake Fault and is in an area of the City that historically has few landslides and with low liquefaction hazard. Like all sites in the City, there is the potential for strong ground shaking due to seismic activity. As discussed above, the City's standard procedures require the preparation of a site specific geotechnical investigation and incorporation of the findings into project building design (detailed working drawings). The City has adopted the latest edition of the CBC, which includes significant requirements for new construction to resist strong shaking. Thus, with existing project review and geotechnical project conditions of approval, exposure of people or structures to potential seismic impacts and soil stability would be **less than significant**.

Impact 4.6 (b) Less Than Significant Impact

In regard to the impacts of Program H-2.5 to allow residential development in the "P" zoned First Baptist Church property, the site has the potential for soil erosion or loss of topsoil exists in association with construction activities. However, due to the relatively flat developable area, most of which is paved, substantial soil erosion or the loss of topsoil would not be expected to occur. The City's Subdivision Ordinance includes specific requirements, especially in regard to preparation of soils reports (Section 13.02.400). Additionally, the NPDES requirements described in 'Hydrology and Water Quality' will reduce erosion and siltation to an insignificant level on all sites in the City. Therefore, any potential impacts to soil erosion/loss will be **less than significant**.

Impact 4.6 (c) No Impact

Available geologic maps show that the First Baptist Church is not 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. Therefore, **no impacts** associated with unstable soil.

Impact 4.6 (d) Less Than Significant Impact

Any proposed project would be evaluated according to specific soil investigation and evaluation procedures. The City's Subdivision Ordinance includes specific requirements, especially in regard to preparation of soils reports (Section 13.02.400). Adequate engineering design, site preparation, and construction practices would reduce or prevent structure damage from soil movement associated with moisture level changes. As discussed above, these existing requirements will cause any potential impacts to buildings due to expansive soils to be **less than significant**.

Impact 4.6 (e) No Impact

New development will be required to link to public sewer systems.. Therefore, **no impacts** associated with septic tanks or alternative wastewater disposal systems are anticipated.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 ENVIRONMENTAL SETTING

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like an actual greenhouse does. The accumulation of GHGs is believed to be the principal cause of global climate change.

California is a substantial contributor of global greenhouse gases, emitting a net of over 457 million tons of carbon dioxide (CO₂) equivalents (CO₂e) a year in 2009 (CARB 2011b). Greenhouse gases are global in their effect (CARB 2011c). Because primary greenhouse gases have a long lifetime in the atmosphere, accumulate over time, and are generally well mixed, their impact on the atmosphere is mostly independent of the point of emission.

4.7.2 POLICY AND REGULATORY SETTING

For projects being undertaken in California, the CEQA process is used as a primary tool in the analysis of climate change impacts. Agency guidance on climate change impact analysis methodology relevant to the proposed project is summarized below.

Regional

The Bay Area Air Quality Management District (hereinafter "Air District") is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties.

On June 1, 2005 the Air District Board of Directors adopted a resolution establishing a Climate Protection Program and acknowledging the link between climate protection and programs to reduce air pollution in the Bay Area. The Board of Directors also formed a standing Committee on Climate Protection to provide direction on District climate protection activities.

The 2012 Air District CEQA Guidelines contain numerous mitigation measures that may be incorporated into individual projects to reduce greenhouse gas emissions (pages 4-12 to 4-19). Additionally, the 2012 Guidelines suggest five mitigation measures that may be incorporated into local housing elements (page 9-17). These include:

- Ensuring that a portion of future residential development is affordable to low and very low income households;
- Targeting local redevelopment, CDBG, and Energy Efficient Block Grant funds toward helping affordable housing developers incorporate energy efficiency features;
- Adopting minimum residential densities in transit-oriented areas;
- Facilitating low-income housing that employs transit-oriented and pedestrian-oriented design; and
- Offering density bonus incentives for higher density development.

Local

General Plan Goals and Policies.

One of the guiding principles in the City's General Plan is environmental sustainability and stewardship of the natural environment. This principle informs goals and policies found in all of the General Plan elements. Related to this principle is the issue of climate change resulting from the emission of greenhouse gases.

Goal C-5 of the Monte Sereno General Plan is for the city to provide for safe pedestrian and bicycle routes in appropriate locations. To help the city achieve this goal, the General Plan contains the following policy:

Policy C-5.5 Encourage bicycle usage as an alternative to the automobile to reduce transportation-related greenhouse gas emissions.

Goal OSC-I of the Monte Sereno General Plan is for the city to reduce greenhouse gas emissions by providing leadership in climate protection. To help the city achieve this goal, the General Plan contains the following policies:

Policy OSC-1.2 Continue to participate in regional efforts to reduce Greenhouse gas emissions.

Policy OSC-1.3 Support a reduction in the city's peak electric load through increases in energy efficiency, conservation and shifting the timing of energy demands.

Policy OSC-1.5 Encourage the use of green building practices and LEED certification in residential development.

Policy OSC-1.6 Require all new and remodeled homes to complete the green sustainability checklist.

Policy OSC-1.7 Consider solar access and orientation in the review of proposed residential development projects.

Policy OSC-1.8 Encourage the use of energy-efficient appliances in residences.

4.7.3 IMPACTS AND MITIGATION MEASURES

The adopted CEQA Guidelines require consideration of greenhouse gas emissions as a cumulative impact (Section 15130). If a project is required to implement its fair share of a mitigation measure or measures designed to alleviate the cumulative impact, the project's impact may be considered less than cumulatively considerable.

Significance Threshold Criteria

In June 2010, the Air District revised its 1999 CEQA Guidelines to include adopted thresholds of significance based on substantial evidence to assist in the review of projects under CEQA. These thresholds were overturned by a Superior Court decision issued on March 5, 2012 but upheld in a later Court of Appeal decision. However, the California Supreme Court has granted a petition for review of the Court of Appeal decision. As a result, the 2012 Air District CEQA Guidelines (May 2012) contain no references to the adopted thresholds of significance.

According to the Air District website, lead agencies may continue to rely on the Air District's 1999 thresholds of significance. Lead agencies may also use the Air District's updated CEQA Guidelines for assistance in identifying potential mitigation measures and may also reference the Air District's CEQA Thresholds Options and Justification Report, which supports the 2010 thresholds and includes substantial evidence supporting those thresholds.

GREENHOUSE GAS

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) Bay Area Air Quality Management District, CEQA Guidelines (2012)				

Impact 4.7(a) & (b): Less than Significant Impact.

Construction Emissions. The Air District has not adopted a threshold of significance for GHG emissions produced during construction activities. The justification report states that GHG emissions from construction activities represent a relatively small portion (less than two percent) of the overall GHG emissions inventory in the Bay Area (justification report, page 27). While the proposed project would generate a greater volume of CO2 emissions during construction on the First Baptist Church site than would development under the existing general plan land use designation, the volume of emissions would be relatively small and short-term and would represent a relatively small portion of the overall GHG emissions inventory in the Bay Area. Therefore, it can be concluded that the proposed project would result in a **less than significant** level of construction-related GHG emissions.

Operational Emissions. The Draft 2010 Air District CEQA Guidelines included screening thresholds for operational-related GHG emissions. If a project meets the screening criteria, then the draft guidelines concluded that the project would not result in a significant level of operational GHG emissions. The report concluded that low-rise apartments with fewer than 78 dwelling units would have a less than significant impact from operational greenhouse gas emissions. The Housing Element would allow up to 15 multi-family dwelling units on the First Baptist Church site, and plans for a total of 61 units, both below the proposed threshold of 78 dwelling units.

Although future housing development would generate GHG emissions during the operational phases, the level of GHG emissions would be **less than significant**.

Conformance with a Plan or Policy Adopted for the Purpose of Reducing Greenhouse Gas Emissions.

The Housing Element would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. As described in Section 4.3, with mitigation, the Housing Element is consistent with the adopted Clean Air Plan. In relation to the mitigation measures recommended for Housing Elements in the 2012 CEQA Guidelines:

- Ensuring that a portion of future residential development is affordable to low and very low income households.
The Housing Element includes policies to increase development of second units, a majority of which are affordable to low and very low income households.
- Targeting local redevelopment, CDBG, and Energy Efficient Block Grant funds toward helping affordable housing developers incorporate energy efficiency features;
Although the City does not receive any of the listed sources of funds, it offers streamlining and fee waivers for solar panel installations, uses the "Build It Green" checklists, and provides resource materials regarding green building and conservation programs (see Program 3.3).
- Adopting minimum residential densities in transit-oriented areas;
There are no areas in the City defined as transit-oriented areas.
- Facilitating low-income housing that employs transit-oriented and pedestrian-oriented design; and
While there are no areas in the City defined as transit-oriented areas, the Housing Element designates an additional site at a density suitable for lower income housing, in a pedestrian-oriented neighborhood.
- Offering density bonus incentives for higher density development.
The City has adopted a density bonus ordinance.

Therefore, the impact of the Project on greenhouse gas emissions. would be **less than significant**.

4.8 HAZARDS/HAZARDOUS MATERIALS

4.8.1 ENVIRONMENTAL/POLICY AND REGULATORY SETTING

The California Department of Toxic Substances Control (DTSC) defines a hazardous material as: "a substance or combination of substances that, because of its quantity, concentration or physical, chemical, or infectious characteristics, may either: 1) cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or 2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Regulations governing the use, management, handling, transportation and disposal of hazardous waste and materials are administered by Federal, State and local governmental agencies. Pursuant to the Planning and Zoning Law, the Department of Toxic Substances Control (DTSC) maintains a hazardous waste and substances site list, also known as the "Cortese List." Further, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) monitor and maintain guidelines for hazardous materials.

Hazardous waste management in the City of Monte Sereno is administered by the Santa Clara County Department of Public Health. The Hazardous Material Compliance Division (HMCD) provides comprehensive environmental regulatory compliance inspection services and is also the Certified Unified Program Agency (CUPA) for Santa Clara County, with the exception of the Cities of Santa Clara, Gilroy and Sunnyvale. Within the City of Monte Sereno, hazardous materials are also regulated by Section 8.02.020 of the Municipal Code.

4.8.2 IMPACTS AND MITIGATION MEASURES

HAZARDS/HAZARDOUS MATERIALS

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the			X	

release of hazardous materials into the environment?				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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, create a significant hazard to the public or the environment?				X
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 a public-use airport, result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan				X
h. Expose people or structures to a significant risk of loss, injury, or death involving wild land fires, including where wild lands area adjacent to urbanized areas or where residences are intermixed with wild lands?			X	
<p>Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) State of California, Department of Toxic Substance Control, Envirostor Website</p>				

Impact 4.8 (a-b) Less Than Significant Impact:

None of the policies or programs included in the 2015-2023 Housing Element Update involve uses that require the routine transport use or disposal of hazardous materials, nor involve reasonably foreseeable upset and accident conditions that would create a significant hazard to the public or the environment.

Uses in the City include only public and residential uses and there are no industrial or commercial uses that may routinely use or transport hazardous materials. Household hazardous materials including pesticides, fertilizers and oil are the most commonly occurring hazardous material in the city. Santa Clara County operates a Household Hazardous Waste disposal program for incorporated and unincorporated residents and small businesses. Household hazardous waste includes flammable, corrosive, toxic and oxidizer material and can be dropped off at facilities located in Sunnyvale, San Jose and San Martin. Additionally, section 8.02.020 of the Monte Sereno Municipal Code prohibits accumulation of hazardous material. Consequently, any Project impacts would be **less than significant**.

Impact 4.8 (c) No Impact

The Church site is located across the street from Daves Avenue Elementary School. The Church itself also operates an After School Care Program. However, as discussed above, any additional development permitted by the Project consists only of residences and would not emit hazardous emissions or involve hazardous materials, substances or wastes. Consequently, the Project would have **no impact**.

Impact 4.8 (d) No Impact

As of March 2015, no CORTESE sites were listed as being present in Monte Sereno. Therefore, there would be **no impacts** associated with locating a future residential development project on a site that is included on a list of hazardous material sites.

Impact 4.8 (e-f) No Impact

There are no airports or private airstrips located within the boundaries of Monte Sereno or within two miles of a public airport or public-use airport, and no part of Monte Sereno is within the boundaries of an airport land use plan. Therefore, **no impacts** associated with airport-related hazards are expected.

Impact 4.8 (g) No Impact:

None of the proposed policies or programs set forth in the Housing Element Update or potential development associated with Program H-2.5 would seriously impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The City participates in the Santa Clara County Operational Emergency Plan. The plan is an all hazards document describing the county's emergency operations organization, compliance with relevant legal statutes, other guidelines and critical components of the Emergency Response System. None of the proposed policies or programs set forth in the Housing Element Update would impair the implementation of, or physically interfere with, the adopted emergency response plan. Therefore, the Project would have **no impacts** due to conflict with an emergency response plan.

Impact 4.8 (h) Less than Significant Impact

The General Plan identifies areas in the City that are considered to be Wildfire Hazard Zones (Figure HS-1). Any future development proposed in these areas will be subject to the Uniform Fire Code for Wildland-Urban Interface areas. The First Baptist Church site is not located in a Wildfire Hazard Zone. Therefore, significant risks from wildland fires due to the implementation of the Housing Element Update will be **less than significant**.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 ENVIRONMENTAL SETTING

Monte Sereno is part of the Guadalupe Watershed, managed under the Santa Clara Valley Water District ("Water District"). The Guadalupe Watershed is 170 square miles in area and includes the cities of San Jose, Campbell and Santa Clara, and the Town of Los Gatos. The creeks located in the Guadalupe Watershed are the Guadalupe Los Gatos, Ross, Alamitos and Canoas creeks. Surface water in the Guadalupe Watershed ultimately flows into the southern portion of the San Francisco Bay.

Water Quality

The Water District is the primary steward of water quality in the Guadalupe Watershed. The District protects water quality through creek restoration programs, grants to community organization and other education and outreach programs.

In Monte Sereno, water quality can be adversely impacted when storm water runoff contains toxic materials or other harmful substances. Common sources for these harmful substances in Monte Sereno include motorized vehicles, household chemicals and sediment discharge from construction activities. In Monte Sereno, water quality can be adversely impacted when storm water runoff contains toxic materials or other harmful substances. Common sources for these harmful substances in Monte Sereno include motorized vehicles, household chemicals and sediment discharge from construction activities (general plan, page 78).

Storm Water Drainage

Monte Sereno uses a storm water collection system, in conjunction with the natural creek drainage system, to manage runoff. Storm water collected through this system ultimately drains into San Francisco Bay (general plan, page 91).

4.9.2 POLICY AND REGULATORY SETTING

Federal

Federal Clean Water Act and State Porter-Cologne Water Quality Control Act.

Water quality objectives for all waters in the State of California are established under applicable provisions of Section 303 of the Federal Clean Water Act and the state Porter-Cologne Water Quality Control Act. These laws seek to control the addition of source and non-source pollutants to surface waters and to protect the integrity of wetlands.

Section 303 of the Clean Water Act requires states to adopt water quality standards for all surface waters. Section 304(a) requires the U.S. Environmental Protection Agency (U.S. EPA) to publish water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in the water.

Federal Emergency Management Agency.

The Federal Emergency Management Agency (FEMA) administers programs to address flood hazards. FEMA manages the National Flood Insurance Administration program for this purpose. The insurance program provides federal flood insurance and federally financed loans for property owners in flood prone areas. For local

property owners to qualify for federal flood insurance, the City must identify flood hazard areas and implement a system of protective controls. For this purpose, FEMA produces Flood Insurance Rate Maps that define areas subject to inundation by flooding. The protective controls that must be implemented to reduce flood hazards and damage to property are generally incorporated onto a flood hazard management program and General Plan policies of local jurisdictions. These tools assist cities in mitigating flooding hazards through land use planning and building permit requirements.

No part of Monte Sereno is located within a FEMA-designated 100-year flood zone.

National Pollutant Discharge Elimination System.

The EPA has published regulations establishing storm water permit application requirements under the Clean Water Act. The National Pollutant Discharge Elimination System (NPDES) program controls and reduces pollutants to water bodies from point and non-point discharges. The EPA has published regulations establishing storm water permit application requirements under the Clean Water Act. The NPDES program controls and reduces pollutants to water bodies from point and non-point discharges.

Projects that disturb more than one acre of land during construction are required to file a notice of intent to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activities. The NPDES construction permit requires implementing both construction and post construction phase storm water pollution best management practices. The State NPDES General Construction Permit requires development and implementation of a Storm Water Pollution Prevention Plan that uses storm water "Best Management Practices" to control runoff, erosion, and sedimentation from the site both during and after construction. The Storm Water Pollution Prevention Plan has two major objectives: 1) to help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and 2) to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges. Santa Clara County has received a Municipal Regional Stormwater NPDES permit that is applicable to Monte Sereno. This is discussed below in more detail.

State

Porter-Cologne Water Quality Control Act. In 1969, the State Legislature enacted the Porter-Cologne Water Quality Control Act, one of the nation's strongest pieces of anti-pollution legislation. This state law was so influential that portions were used as the basis of the Federal Clean Water Act.

Regional

California Regional Water Quality Control Board. The State Water Resources Control Board and the nine Regional Water Quality Control Boards are responsible for assuring implementation and compliance with the provisions of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Santa Clara County falls within the San Francisco Bay Region, and storm water runoff and storm water quality in the City of Monte Sereno are regulated through the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Storm water NPDES Permit Order R2-2009-0074 NPDES Permit No. CAS612008.

Santa Clara Valley Urban Runoff Pollution Prevention Program/Municipal Regional Stormwater Permit.

The Santa Clara Valley Urban Runoff Pollution Prevention Program ("Program") is an association of thirteen cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District that share a common NPDES permit to discharge storm water to South San Francisco Bay. Member agencies (Co-permittees) include Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte

Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, Sunnyvale, the County of Santa Clara, and the Santa Clara Valley Water District.

Total population within the Program area is approximately 1.7 million people. The Program incorporates 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 Santa Clara Valley (Santa Clara Valley Urban Runoff Pollution Prevention Program).

The Municipal Regional Stormwater Permit applicable to Santa Clara County regulates discharges from all storm sewer systems in the County, including those in Monte Sereno. Key provisions of the Stormwater Permit include the following:

1. New development and redevelopment projects that create or replace 5,000 square feet or more of impervious surfaces must incorporate so-called Low Impact Design (LID). The goal of LID is to reduce runoff by minimizing impervious surfaces and then infiltrating, storing, and/or biotreating runoff close to its source. This involves reducing the generation of pollutants at the source (such as by adequate trash containers), site design measures (such as pervious pavement), and treatment measures (such as landscaped retention basins) to both reduce the pollutants in stormwater and to limit peak run-off. (Section C.3.c.) A multifamily project on the proposed site would replace more than 5,000 square feet of existing impervious surface and so would be required to comply with the Municipal Regional Stormwater Permit.
2. Stormwater treatment systems must be large enough to provide adequate treatment. (Section C.3.d.)
3. If a proposed project increases storm water runoff rates and durations, it must implement hydromodification measures to ensure that there will be no increase in downstream erosion in affected creeks. However, these measures do not apply if runoff does not exceed the estimated pre-project runoff rates and durations. Because of the expense of analyzing creek erosion and undertaking hydromodification efforts, on a site such as the project site, which is largely covered with impervious surfaces, developers typically ensure that runoff does not exceed estimated pre-project runoff rates and durations. (Section C.3.g.)
4. The City must adopt a construction site inspection and control program at all construction sites. It must review erosion control plans for consistency with the City's requirements, verify the adequacy of proposed best management practices (BMPs), and verify that the developer has complied with the Construction General Stormwater Permit (discussed below) before issuing a grading permit for a project. Finally, the City must inspect the site to ensure that the developer is complying with the approved plans. (Section C.6.)

Construction General Stormwater Permit. The SWRCB has adopted the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009--0009--DWQ (Construction General Stormwater Permit), to minimize water quality problems generated by construction-generated erosion. The Construction General Stormwater Permit applies to all projects where construction disturbs one or more acres of soil, including clearing, grading, excavation, and removal of existing paving. Because a housing project on the proposed First Baptist Church site would be required to remove most existing paving on the 1+ acre developable portion of the site, it would be required to comply with the Construction General Stormwater Permit.

The Construction General Stormwater Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which includes and specifies BMPs to prevent pollutants (such as oil from

vehicles) from contacting storm water and keep all silt and pollutants from leaving the site. The SWPPP must contain a site map(s) that shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography (both before and after construction), and drainage patterns across the project. Best Management Practices, which are detailed within each permit, are to be implemented to protect water quality.

A developer must file a NOI with the SWRCB. The 2009 permit contains several new compliance items, including: (1) additional mandatory Best Management Practices (BMPs) to reduce erosion and sedimentation, such as vegetated swales, setbacks and buffers, rooftop and impervious surface disconnection, rain cisterns, and implementation of pollution/sediment/spill control plans; (2) sampling and monitoring for non-visible pollutants; (3) effluent monitoring and annual compliance reports; (4) development and adherence to a Rain Event Action Plan; (5) requirements for the post-construction period; and (6) mandatory training under a specific curriculum. A SWPPP is reviewed by the SWRCB. The City verifies that developments have met all SWRCB permitting requirements prior to issuance of City approval of a grading and drainage plan.

Local

City of Monte Sereno General Plan. The City of Monte Sereno General Plan, Open Space and Conservation Element and Health and Safety Element, includes the following policies regarding water quality and drainage applicable to the proposed project:

Policy OSC-6.2 Requires development projects to reduce, to the extent feasible, sediment discharge and erosion during construction and post construction. Require projects to incorporate mitigation measures, such as Best Management Practices (BMPs) to address these water quality issues.

Policy OSC-6.3 Reduce surface run-off by minimizing impervious surfaces associated with motor vehicles, as well as requiring projects to include site designs that minimize impervious surfaces and maximize on-site filtration.

Policy OSC-6.4 Require property owners to work with the natural topography and drainage to the extent possible when designing development projects to reduce the amount of grading and limit disturbances to natural drainage systems.

Policy HS-3.6 Require, as appropriate, construction of storm drainage improvements to prevent flooding during periods of heavy rainfall.

City's Municipal Code. Chapter 8.04 of the Monte Sereno Municipal Code codifies the City's regulations for storm water management and discharge control regulations. Chapter 8.04 was adopted specifically to implement the requirements of the NPDES Municipal Regional Stormwater Permit Section C.6 and authorizes the City's Public Works Director or designee to enforce all requirements. Chapter 8.04 also requires compliance with all general permits, including the Construction General Stormwater Permit.

4.9.3 IMPACTS AND MITIGATION MEASURES

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

Where applicable, potential impacts related to the First Baptist Church site and Program H-2.5 of the 2015-2023 are identified.

HYDROLOGY

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			X	
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 groundwater table level (e.g., would the production rate of preexisting nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted?)			X	
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, w h i c h would result in substantial erosion or siltation on- or off-site?			X	
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 run-off in a manner, w h i c h would result in flooding on- or off-site?			X	
e. Create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems or provide			X	

substantial additional sources of polluted run-off?				
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
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
j. Be subject to inundation by seiche, tsunami, or mudflow?				X
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) Santa Clara Valley Urban Runoff Pollution Prevention Program				

Impact 4.9 (a) & (f) Less than Significant Impact

Regarding construction-related impacts, projects disturbing more than one acre of land during construction (including the First Baptist Church site) are required to file a notice of intent to be covered under the State NPDES Construction General Permit for discharges of storm water associated with construction activities. Any new development that creates or replaces 5,000 sq. ft. or more of impervious surfaces must incorporate Low Impact Design.

The Low Impact Design techniques required by the Municipal Regional Stormwater Permit and the Construction General Stormwater Permit discussed above will require the treatment of 100 percent of the stormwater generated by site development, and consequently operation of the project will not have a significant impact on water quality. Specifically the Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that details how water quality would be protected during construction activities. The SWPPP must contain a site map(s) that shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography (both before and after construction), and drainage patterns across the project. Best Management Practices, which are detailed within each permit, are to be implemented to protect water quality.

By complying with the Construction General Stormwater Permit requirements outlined above, the potential water quality impacts from construction phase activities would be minimized and the impact of excessive runoff water or polluted runoff will be less than significant. The impact is **less than significant**.

Impact 4.9 (b) Less Than Significant Impact

Water supply is addressed in Section 4.17 Utilities and Services Systems. Any housing developed as proposed in the Housing Element would utilize public water provided by the San Jose Water Company and would not use groundwater for any phase of the project. Regarding surface water that recharges the groundwater, the City does not contain groundwater recharge areas. Consequently, the Housing Element would have no impact on groundwater supplies or recharge other than its indirect impact on the use of groundwater by the San Jose Water Company. The Water Company receives water from Santa Clara Valley Sub-Basin supplied by the Santa Clara Valley Water District. According to the District's 2010 Urban Water Management Plan, there is adequate groundwater recharge within the Basin, and groundwater elevations have been steadily on the rise for the past 40 years. Consequently, the proposed project would not deplete groundwater resources nor substantially interfere with groundwater recharge, and any impacts related to the depletion of groundwater will be **less than significant** with implementation of the Housing Element Update, including Program H-2.5.

Impact 4.9 (c-d) Less Than Significant Impact

The First Baptist Church site does not contain any streams or rivers that would be potentially altered during redevelopment of the site and so there would be no impact related to altering existing watercourses.

The site is currently developed with impervious surfaces on much of the area. Surface runoff is either conveyed to the County's existing stormwater drainage system or infiltrates into the ground or in the scattered landscaped areas on the site. Santa Clara Valley Water District owns an easement for storm drainage on the property. Replacement of the existing impervious surfaces or increased impervious surfaces could potentially increase erosion and runoff.

Future housing development on all sites would be required to comply with the Municipal Regional Stormwater Permit and the Construction General Stormwater Permit. The Municipal Regional Stormwater Permit and the Construction General Stormwater Permit require that any development of the site incorporate Low Impact Design techniques, provide erosion control measures during construction, and ensure that runoff does not exceed the rate and duration of that existing. Prior to any approval for a project or subdivision, the project site developer is required to submit a site-specific, design level drainage and hydrology plan, in compliance with all applicable state and local code requirements, including the Municipal Regional Stormwater Permit that specifies:

- a. Low Impact Design techniques to be utilized in the redevelopment of the site; and
- b. Calculations demonstrating that the rate and duration of runoff does not exceed that existing prior to redevelopment of the site.

In addition, project construction plans are required to incorporate all of the mitigations in the hydrology report and the project civil engineer must certify that the construction plans for the site incorporates all applicable mitigations from the investigation and meets current Municipal Code, regional, state, and federal requirements. The City Public Works Director will review all project plans for the relevant permits to ensure compliance with the applicable drainage and hydrology plan and other applicable requirements.

These requirements will ensure that existing drainage patterns are not substantially modified and will also ensure that the housing development will have no impact on downstream flooding. Further, the required Low Impact Design techniques require pre-treatment of runoff before it enters the City's stormwater system

Consequently, development of housing consistent with the Housing Element will not substantially alter existing drainage in a manner that would result in substantial erosion or siltation, or increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site. Therefore, the impact is **less than significant**.

Impact 4.9 (e) Less Than Significant Impact

The City uses a storm water collection system, in conjunction with the natural creek drainage system, to manage storm water runoff. Storm water collected through this system ultimately drains into the San Francisco Bay (City of Monte Sereno, General Plan, page 91). Policy PS-31 of the General Plan requires that developers or property owners pay for services and facilities for new development.

As described in the previous section, the Municipal Regional Stormwater Permit and the Construction General Stormwater Permit require that development incorporate Low Impact Design techniques and ensure that runoff does not exceed the rate and duration of that existing before development. Further, the required Low Impact Design techniques require pre-treatment of runoff before it enters the City's stormwater system. Prior to any approval for a project or subdivision on the project site, the project site developer is required to submit a site-specific, design level drainage and hydrology plan, in compliance with all applicable state and local code requirements, including the Municipal Regional Stormwater Permit

These requirements will ensure that the any new housing development permitted by the Housing Element would not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems and would not create or contribute substantial amounts of runoff water that would exceed the capacity of existing or planned storm water drainage systems. Therefore, the impact is **less than significant**.

Impact 4.9 (g-i) No Impact

According to the City's General Plan (page 101), large-scale flooding is not a significant hazard in Monte Sereno. Most of the properties in Monte Sereno are built above the base flood elevation. Due to its minimal danger of flooding, the Federal Emergency Management Agency (FEMA) has withdrawn the City of Monte Sereno from the emergency program list of the National Flood Insurance Program, and no sites are included within the 100-year floodplain. There are **no impacts** associated with flood hazards or floods due to the implementation of the 2015-2023 Housing Element Update (including Program H-2.5).

Impact 4.9 (j) No Impact

The City of Monte Sereno is not located within an area that could be affected by seiche, tsunami or mudflow and there will be **no impact** resulting from implementation of the 2015-2023 Housing Element Update (including Program H-2.5)

4.10 LAND USE AND PLANNING

4.10.1 ENVIRONMENTAL SETTING

The City of Monte Sereno is a well-established, nearly built out community. The predominant land use is residential. According to the General Plan, there are 1047 acres of residential land use, 9 acres of public use and 38 acres of open space. There are a total of approximately 25 acres of underdeveloped residential parcels.

4.10.2 POLICY AND REGULATORY SETTING

The City's General Plan guides all land uses with goals, policies and programs. Included in the City's General Plan are the Land Use, Circulation, Public Services and Facilities, and Health and Safety Elements.

LAND USE AND PLANNING

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?				X
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		
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final)				

4.10.3 IMPACTS AND MITIGATION MEASURES

Impact 4.10 (a) No Impact

Division of an established community typically occurs when a new physical feature, in the form of an interstate or railroad, physically transects an area, thereby removing mobility and access within an established community.

The division of an established community can also occur through the removal of an existing road or pathway, which would reduce or remove access between a community and outlying areas.

The City of Monte Sereno is largely built out, with limited opportunity for infill development. The inventory conducted for the Housing Element Update shows that there are approximately 25 acres of underdeveloped residential parcels, including the First Baptist Church site. Future development will be accommodated within underdeveloped lands, which would be expected to encourage continuity and uniformity rather than division. There are no aspects of the proposed Housing Element Update that would substantially reduce mobility or access. Therefore, implementation of the Housing Element Update, including Program H-2.5, would have **no impact** due to the division of an established community.

Impact 4.10 (b) Potentially Significant Unless Mitigated

A modification to the City's General Plan and Municipal Code will be required to permit multifamily housing on the First Baptist Church property. Program H-2.5 states that

The City will revise the Municipal Code (Section 10.05.045) Public ("P") zoning district by December 2016 to allow multifamily residential uses by right and to otherwise facilitate and encourage the development of multifamily housing in this district. Revisions will include development standards that are similar to the R-1-8 zone district and parking requirements that are similar to the RM zone district. Section 10.05.050 (Cluster Housing) shall also be modified to allow clustering of housing on smaller lots. The City will also complete any amendments to the General Plan that may be necessary to allow multifamily uses in the Public ("P") zoning district by December 2016.

The only property affected by this program is the First Baptist Church property, located at 17765 Daves Avenue.

Mitigation Measure: LUP-1

The City's General Plan will need to be amended in order to permit multifamily residences as proposed in Program H-2.5. However, this amendment will not create any additional physical impacts on the environment other than those reviewed in this Initial Study.

The impact will be **less than significant with mitigation implemented**.

Additionally, the Housing Element includes programs that would revise the City's zoning code to encourage second units and allow residential care facilities, employee housing, transitional housing, and supportive housing in residential areas. As discussed in the Project Description, these modifications are exempt from CEQA.

Impact 4.10 (c) No Impact

The City of Monte Sereno is not included in any habitat conservation plan or natural community conservation plan. Therefore, implementation of the Housing Element Update, including Program H-2.5, would have **no impact** on any conservation plan or natural community plan.

4.11 MINERAL RESOURCES

4.11.1 ENVIRONMENTAL/POLICY AND REGULATORY SETTING

The City of Monte Sereno is significantly developed with existing residential land uses. Mineral extraction would be inconsistent with the established uses citywide.

Mineral Resources

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local General Plan, specific plan, or other land-use plan?				X
Sources: City of Monte Sereno General Plan, 2009				

4.11.2 IMPACTS AND MITIGATION MEASURES

Impact 4.11 (a – b) No Impact

There are no active mineral extraction activities occurring within the City limits, nor have areas in the City been designated as locally important mineral resource sites. Therefore, **no impacts** to mineral resources are expected to occur from implementation of the 2015-2023 Housing Element Update.

4.12 NOISE

4.12.1 ENVIRONMENTAL SETTING

Noise Measurement

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. There are several noise measurements scales that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative amplitude of a sound. The zero on the deCibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of ten decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each ten decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. The most common averaging period is hourly, but Leq can describe any series of noise events of arbitrary duration.

Sensitivity to noise increases during the evening and at night because excessive noise interferes with the ability to sleep. Consequently, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening (7:00PM- 10:00 PM) and a 10 dB addition to late night and early morning (10:00 PM-7:00AM) noise levels.

Existing Conditions

Automobiles are the most common noise source in the City and Highway 9 is a primary source of noise within the City. Figure HS-5 of the City's general plan shows that the entire First Baptist Church site is exposed to noise levels below 50 dbCNEL, which is normally acceptable for residential use and requires no mitigation.

4.12.2 POLICY AND REGULATORY SETTING

Federal

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) sets policies used to determine eligibility for financial backing for new or rehabilitative residential construction in noise impacted areas. HUD environmental noise regulations, presented in the Code of Federal Regulations (24 CFR Part S1B), require that new HUD financed housing construction meet the following noise standards: Exterior noise levels are considered "Acceptable" at 65 dBA Ldn or less, "Normally Unacceptable" if they exceed 65 dBA Ldn but not 75 dBA Ldn, and "Unacceptable" if they exceed 75 dBA Ldn. Interior noise levels and attenuation requirements are geared toward achieving an interior noise level of 45 dBA Ldn. These regulations apply to new residential projects

that receive federal funding. If housing developed on any site receives federal funding, the federal noise standards may be applicable. Noise levels on the First Baptist Church site are considered "acceptable" by HUD.

State

California Building Code

The State of California establishes minimum noise insulation performance standards for hotels, motels, dormitories, apartment houses and dwellings other than detached single-family dwellings as set forth in the California Building Code (Chapter 12, Appendix Section 1207.11.2). The noise limit is a maximum interior noise level of 45 dBA Ldn. Where exterior noise levels exceed 60 dBA Ldn, a report must be submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise limit.

California Noise Control Act

California State Government Code Section 65302, the California Noise Control Act, is part of the California Health and Safety Code. The Act is intended to help protect the health and welfare of California citizens by controlling, preventing, and abating noise.

The California Office of Noise Control is responsible for enforcing the Noise Control Act. Among the program activities carried out by the office to implement the Act, the office participates with local California government agencies and the California Attorney General to design and enact ordinances governing noise abatement. To provide guidance to counties and cities regarding acceptable noise intensity levels, the Office of Noise Control developed the statewide "California Land Use Compatibility Noise Guidelines." The guidelines identify permissible noise level exposures for a variety of land uses. Different types of land uses are considered to have various sensitivities to noise based on the types of activities that are expected to take place at those uses. For example, noise-sensitive uses identified by the California Office of Noise Control include residential developments, schools, hospitals/nursing homes, churches, and libraries. While counties and cities are free to adopt their own noise control ordinances and regulations, many have adopted the Land Use Compatibility Noise Guidelines as a basis for their noise regulations.

Local

City of Monte Sereno

The standards of the City of Monte Sereno General Plan (2009) Health and Safety Element utilizes the Day-Night Level (DNL) noise descriptor, and includes Figure HS-5, a noise contour map. City staff has indicated that 60 dB DNL is the normally acceptable exterior limit for residential land-use and therefore, exterior noise exposures at or below 60 dB DNL do not require analysis or noise mitigation measures.

In regards to construction noise, Chapter 9.07 of the Monte Sereno Municipal Code establishes permitted hours for construction activities. Construction requiring a building permit is permitted from 8:00 AM to 8:00 PM, Monday through Friday, 9:00 AM to 5:00 PM Saturday and prohibited on Sundays and holidays. Also, Action HS-6.1 of the General Plan requires construction techniques for noise buffering, barriers or setbacks in development subject to high noise levels, to reduce noise to a level within the noise/land use compatibility standards, and Policy HS-6.3 states that the City will continue to enforce local and State noise regulations to minimize noise impacts associated with construction.

4.12.3 IMPACTS AND MITIGATION MEASURES

Noise

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or in applicable standards of other agencies?		X		
b. Result in exposure of persons to or generation of excessive ground-borne vibration or ground borne noise levels?				X
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
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, expose people residing or working in the project area to excessive noise levels?				X
f. For a project located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?				X
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final)				

Impact 4.12 (a) Potentially Significant Unless Mitigated

Noise levels on the site of the First Baptist Church are much lower than the acceptable level of 60 dBA Ldn, and therefore no residents in any future development on the site are expected to be exposed to noise levels in excess of applicable standards. However, temporary increases in noise will occur during construction due to the operation of heavy equipment. To ensure that future development does not expose residents to or generate noise levels in excess of established standards, the following mitigation shall be required:

Mitigation Measure: N-1

Prior to issuance of a grading permit for future development, the following measures shall be incorporated into the project plans to mitigate construction noise, subject to the review and approval of the City of Monte Sereno:

1. Exterior construction shall be limited to weekdays between 8:00AM and 5:00PM and Saturday between 9:00AM and 5:00PM;
2. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment;
3. Temporary berms or noise barriers, such as lumber or other material stockpiles should be utilized;
4. Stationary noise-generating equipment (e.g. generators and compressors) shall be located as far as possible from sensitive receptors and housed in acoustical enclosures; and
5. Consistent with Action HS-6.1 of the General Plan, prior to issuance of a building permit, the applicant shall propose specific construction techniques for noise buffering, barriers or setbacks to reduce construction noise to a level within the noise/land use compatibility standards.

Construction activities would be short-term in duration. Therefore, noise impacts associated with these activities would be **less than significant with mitigation**.

4.12 (b) No Impact

The type of construction that would occur with permitted residential development in Monte Sereno would not involve significant sources of excessive vibration (e.g. pile drivers) and people would not be exposed to excessive ground-borne vibration. No railroads or other facilities generating excessive vibration are located in Monte Sereno. There would be **no impact** from ground-borne vibration or noise.

Impact 4.12 (c) Less than Significant.

No uses proposed in the Housing Element are expected to be significant sources of stationary noise. Additionally, future project traffic will not be significant and will likely not generate discernable noise. The traffic study indicates that development of the First Baptist Church site would generate approximately 1 vehicle every 9 minutes during the morning commute period and 1 vehicle every 8 minutes during the evening commute period. Therefore, the noise increase due to future traffic associated with the project would be barely perceptible and below the ambient noise thresholds. The impact is **less than significant**.

Impact 4.12 (d) Potentially Significant Unless Mitigated

As noted in the discussion of Impact 4.12(a), construction of multi-family housing on the First Baptist Church site or on other sites could create a temporary increase in construction noise. Mitigation Measure N-1 will ensure that the impact will be **less than significant with mitigation**.

Impact 4.12 (e-f) No Impact

Neither the City of Monte Sereno nor the First Baptist Church site is located within two miles of a public airport or a private airstrip. Therefore, there is **no impact** from excessive noise levels due to proximity to a public airport or private airstrip.

4.13 POPULATION AND HOUSING

4.13.1 ENVIRONMENTAL SETTING

In 2010, the population of Monte Sereno was 3,341 persons. Monte Sereno is the smallest community in terms of population in Santa Clara County. ABAG (Association of Bay Area Governments) has forecast that Monte Sereno's population will increase to 3500 persons by 2020 and 3600 persons by 2030 ("Regional Needs Forecast 2013, Table 42").

4.13.2 POLICY AND REGULATORY SETTING

Potential growth inducing impacts are primarily assessed based on a project's consistency with adopted plans that have addressed growth management from a local and regional standpoint. The City's General Plan is the primary policy document to guide housing, growth and development in Monte Sereno.

Goal LU-4: Provide for orderly growth consistent with the City's existing character.

Policy LU-4.1 Continue to review and comment on all development proposals located within the City's Sphere of Influence.

Policy LU-4.2 Consider the cumulative effects of individual development projects throughout the planning process.

Policy LU-4.3 Require that prior to approval development proposals demonstrate that the site will be served by adequate infrastructure.

Policy LU-4.4 Evaluate fiscal impacts of development proposals to assure that new development does not reduce service standards or increase the burden upon existing residents of the City.

Population and Housing

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?			X	

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Sources: City of Monte Sereno General Plan, 2009 Association of Bay Area Governments, Housing Element Data Workbook, 2013-2014 State of California, Department of Finance, Population and Household Estimates				

4.13.3 IMPACTS AND MITIGATION MEASURES

Impact 4.13 (a) Less Than Significant Impact

The adjusted regional housing need for the 2015-2023 housing cycle is 56 additional dwelling units for the City of Monte Sereno ("Draft Housing Element," February 2015, page 34). The draft Element anticipates that future development will be accommodated through a combination of Second Units and housing on underdeveloped parcels (including the First Baptist Church site). Assuming 100% occupancy and 2.8 household size (California Department of Finance Estimates), the population growth facilitated by the 2015-2023 Housing Element would amount to 157 persons. This amount could probably be smaller if many of the units produced were Second Units, which typically have smaller than average household sizes.

Presuming that all new housing units projected for the regional housing need were occupied, the population of Monte Sereno would increase by 157 persons from 3341 persons in 2010 to 3498 persons by 2023. ABAG projection estimates forecast that the population of Monte Sereno will be 3500 persons in 2020 and 3600 persons in 2030. Therefore, the level of projected growth is consistent with what has been previously projected for the region.

Population can also be induced indirectly through the extension of roads and/or infrastructure. However, while the Project (including Program H-2.5) will facilitate additional housing units, it is not expected to necessitate the extension of infrastructure or significant roadways as housing will be accommodated on already developed sites. Therefore, based on the fact that population growth from residential development facilitated by the 2015-2023 Housing will fall within the ABAG projected ranges for the City and that development will be confined to urbanized area, potential impacts associated with the induced population growth resulting from the Housing Element would remain at **less than significant**.

Impact 4.13 (b – c) No Impact

No redevelopment of sites containing existing housing units is proposed, and it is not anticipated that any existing residents would be displaced or replacement housing needed. For these reasons, the impact of implementing the 2015-2023 Housing Element (including Program H-2.5) is expected to have **no impact**.

4.14 PUBLIC SERVICES

The following section presents information on existing public services in the City of Monte Sereno, including police and fire protection, schools, libraries, and parks. This section discusses the potential impacts of the proposed project on these services that in turn could lead to physical changes in the environment.

4.14.1 ENVIRONMENTAL SETTING

Fire Protection

The Santa Clara County Fire Department currently provides fire protection services to the City of Monte Sereno Department, whose closest fire station to the Project is the Quito Fire Station at 18870 Saratoga-Los Gatos Road. An additional County fire station is located in Los Gatos at 14700 Winchester Road.

Police Services

Police protection services are currently provided by the Los Gatos Monte Sereno Police Department. The Los Gatos Monte Sereno Police Department serves the City of Monte Sereno under a long-term contract with the City that was put into effect on July 28, 1995. The Los Gatos Monte Sereno Police Foundation assists in funding activities and services.

Schools

The Project is located within the Los Gatos Union Elementary School District and the Los Gatos-Saratoga Union High School District (grades 9 – 12). Daves Avenue Elementary School is located directly across the street from the First Baptist Church site.

Parks and Recreation

There are approximately 70 acres of privately-owned open space land in Monte Sereno. The City does not own or manage public parkland. Instead, City residents utilize parks in neighboring Los Gatos and Saratoga, as well as Vasona Lake County Park, a 150-acre park including the Los Gatos Creek Parkway located just east of the city. Southwest of Monte Sereno is the El Sereno Open Space Preserve, a 1,412-acre preserve with hiking, biking and equestrian trails. Monte Sereno has historically contributed Proposition 40 money to neighboring communities and expects to continue to do so in the future (General Plan, page 79).

4.14.2 POLICY AND REGULATORY SETTING

State

School Facilities Act of 1998.

The School Facilities Act of 1998, also known as SB 50, provides state funding for new school construction projects that can satisfy specific criteria, including eligibility due to growth, Division of State Architect plan approval and California Department of Education site approval. However, the Act also dramatically limits the maximum amount of impact fees that can be charged by school districts as mitigation for new residential, commercial and industrial construction. Further, if the maximum amount is insufficient to meet their established policies, cities and counties are prohibited from imposing additional conditions to bring the development application into conformity with the established policies. The Act also prohibits local agencies from denying a development application on the basis of a person's refusal to provide school facilities mitigation that exceeds the fee amount and refusing to approve any legislative or adjudicative act on the basis that school facilities are inadequate.

Local

City of Monte Sereno General Plan.

The City's General Plan includes the following policies regarding public services.

PS-1.1 Continue to provide public services using outside (non-City) providers if doing so will meet the needs of residents in the most cost-effective manner.

PS-1.2 Periodically review public services to ensure the cost-effective provision of quality services for Monte Sereno residents.

PS-1.3 City-provided services and facilities should be paid for by those benefiting. Benefit assessment districts or direct payment through fees should be utilized rather than use of general revenues.

PS-2.1 Participate in regional policy decision making which affects the quality and level of services provided in Monte Sereno. The City shall take an active role in coordinating with regional agencies, special districts, and surrounding cities regarding issues that lie within the Sphere of Influence.

PS-2.2 Continue to take a proactive role in decision making and providing input to outside service providers.

PS-2.3 Consult with outside service providers to ensure that uses and equipment are planned and constructed in a manner consistent with adopted City policies.

PS-2.4 Work closely with other governmental agencies, districts, and utility companies in monitoring current and projected levels of service to assure that present needs are met and that adequate capacity is maintained

PS-2.5 Reduce costs by coordinating public improvements and programs with neighboring jurisdictions.

PS-2.6 Promote joint-use of public facilities and agreements for sharing costs and operational responsibilities among public service providers.

OSC-2.1 of the General Plan states that the City will work with other jurisdictions to provide parkland and recreational facilities for Monte Sereno residents, and Policy OSC-2.2 states that the City will continue to designate State Park funds to neighboring jurisdictions when these funds cannot be effectively used within the City, and the City will collaborate with the neighboring jurisdictions to identify park and open space opportunities for Monte Sereno residents. Policy OSC-2.3 states that the City will maintain associations with the Bachman, Oak Meadow, Vasona and other local and regional parks or recreational facilities that serve the needs of the community of Monte Sereno, and Policy OSC-.4 requires the review of future subdivision proposals for the opportunity to incorporate new recreational opportunities into the site design and/or require parkland in-lieu fees.

4.14.3 IMPACTS AND MITIGATION MEASURES

Would the project result in substantial adverse physical impacts associated with the provision of 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 following public services:

PUBLIC SERVICES

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Fire protection?			X	
b. Police protection?			X	
c. Schools?			X	
d. Parks?			X	
e. Other public facilities?			X	
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final)				

Impact 4.14 (a-e) Less Than Significant Impact

The 2015-2023 Housing Element Update has planned to accommodate 56 new units/households between 2015-2023. The City's General Plan estimated that that the maximum number of households expected by 2030 was 1,660 households (General Plan, Housing Element). Currently, the number of households in Monte Sereno is approximately 1200 households. Therefore, the potential addition of 56 new households will be significantly less than the projected number of new households analyzed in the General Plan. Therefore, demand for any public services by the addition of 56 households has already been addressed through the current General Plan policies and programs.

In addition to the General Plan policies identified earlier in this section regarding public services, Policy PS-3.1 in the General Plan requires that services and facilities for new development or annexation are paid for by developers or property owners and not existing residents. The City's fee schedule includes estimated impact costs. The school districts that serve the Monte Sereno area also collect school impact fees for new development.

It is not anticipated that the potential addition of 56 new units/households will adversely impact the existing public facilities in Monte Sereno. Therefore, the impact on public services is **less than significant**.

4.15 RECREATION

4.15.1 ENVIRONMENTAL/POLICY AND REGULATORY SETTING

The City does not own or manage public parkland. Instead, City residents utilize parks in neighboring Los Gatos and Saratoga, as well as Vasona Lake County Park, a 150-acre park including the Los Gatos Creek Parkway located just east of the city. Southwest of Monte Sereno is the El Sereno Open Space Preserve, a 1,412-acre preserve with hiking, biking and equestrian trails. Monte Sereno has historically contributed Proposition 40 money to neighboring communities and expects to continue to do so in the future (General Plan, page 79).

4.15.2 POLICY AND REGULATORY SETTING

The City's General Plan includes the following goal and policies regarding Recreation:

Goal OSC-2 Provide adequate parks and recreational facilities for Monte Sereno residents.

Policy OSC-2.1 Work with other jurisdictions to provide parkland and recreational facilities for Monte Sereno residents.

Policy OSC-2.2 Continue to designate State Park funds to neighboring jurisdictions when these funds cannot be effectively used within the city. Collaborate with the neighboring jurisdictions to come up with park and open space opportunities for Monte Sereno residents.

Policy OSC-2.3 Maintain associations with the Bachman, Oak Meadow, Vasona and other local and regional parks or recreational facilities, which serve the needs of the community of Monte Sereno.

Policy OSC-2.4 Review future subdivision proposals for the opportunity to incorporate new recreational opportunities into the site design and/or require parkland in-lieu fees.

Policy OSC-2.5 Work with non-profit organizations, adult education and junior college programs, and park and recreation programs from other jurisdictions to offer weekend and evening "fun" classes through existing programs.

Policy OSC-2.6 Encourage resident participation when evaluating and planning park and recreation facility and services opportunities.

4.15.3 IMPACTS AND MITIGATION MEASURES

RECREATION

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project 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	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X	
Sources: City of Monte Sereno General Plan, 2009				

Impact 4.15 (a-b) Less Than Significant Impact

The increase in population and households associated with the Housing Element Update is well within the projections contained in Monte Sereno's General Plan. An increase over an 8-year period of 56 households is not anticipated to have any substantial effect on the parks used by Monte Sereno residents. Therefore, **less than significant impacts** to recreational facilities are anticipated.

4.16 TRANSPORTATION/TRAFFIC

This section addresses the potential transportation-related impacts of the 2015-2023 Housing Element Update and includes Program H-25 as described in the Housing Element. The first part of the section discusses the existing conditions, while the last part of the section analyzes the potential transportation impacts.

4.16.1 ENVIRONMENTAL SETTING

Major Roadways

The following is a brief description of the major roadways within the City:

- **State Route 17 (SR 17)** provides regional access to Monte Sereno. SR 17 is a north/south freeway providing regional access from Santa Cruz to San Jose, where it becomes I-880 and extends into the east bay cities. SR 17 is primarily a four-lane freeway in the area near Monte Sereno.
- **Highway 9** is a two-to four-lane major arterial extending between Big Basin Way in Saratoga and SR 17 in Los Gatos. Highway 9 is designated as SR 9 and is under the jurisdiction of Caltrans. SR 9 is designated as a State Scenic Highway Corridor from Los Gatos through the Village, to SR 35/Skyline Boulevard at the Santa Cruz County Line. Highway 9 provides direct access to Monte Sereno.

Site Access (First Baptist Church)

The First Baptist Church is located at 17765 Daves Avenue in Monte Sereno. Daves Avenue is designated as a collector street in the Monte Sereno community and provides a connection between Highway 9 and Winchester Boulevard. The Church is located on Daves Avenue as well as Daves Avenue Elementary School. See Exhibit 9 on the following page for a map of the church site and surrounding major streets and roadways. City Policy C-2.2 calls for maintaining a level of service "D" during the morning and afternoon pick-up and drop-off hours at intersections and roadway segments adjacent to Daves Elementary School. Policy C-5.3 calls for the City to continue to work with Daves Elementary School to promote safe driving and pedestrian circulation around or near the school.

Existing Bicycle and Pedestrian Facilities

Bicycle facilities are divided into three classes. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations.

Along Daves Avenue in the vicinity of the Church, bikeways are used especially by the children who are attending Daves Avenue Elementary School. Sidewalks are located on either side of Daves Avenue along the street frontage.

Monte Sereno Housing Element



LEGEND

 = Project Site Location

Figure 1
Site Location



Exhibit 9: First Baptist Church Site and Major Streets and Roadways

4.16.2 POLICY AND REGULATORY SETTING

Regional

Valley Transportation Plan 2040.

The Valley Transportation Plan 2040 is the countywide long- range transportation plan for Santa Clara County. As the Congestion Management Agency for the county, the Santa Clara Valley Transportation Authority periodically updates this 25-year plan. The Valley Transportation Plan 2040 provides a planning and policy framework for developing and delivering future transportation projects and provides input to the Regional Transportation Plan for the Bay Area that is prepared by the Metropolitan Transportation Commission.

Local

General Plan Guidelines.

Goal C1 of the Monte Sereno General Plan is to "Promote safe and efficient vehicular movement within the city. Goal C-6 is "Continue to participate in regional transportation and congestion management planning." To help the City achieve these goals, the General Plan contains the following policies:

Policy C-1.4 Improve roadways and intersections as needed to minimize the potential for automobile accidents.

Policy C-1.6 Ensure that safe and efficient emergency access is provided with new development.

Policy C-6.1 Coordinate transportation planning with other local jurisdictions and regional agencies to provide acceptable and compatible levels of service.

Policy C-6.2 Support improvements to major arterials which serve Monte Sereno and minimize through traffic.

4.16.3 IMPACTS AND MITIGATION MEASURES

TRAFFIC

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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	

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	
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
d. Substantially increase hazards due to a design feature (e.g., sharp curves or Dangerous intersections) or incompatible uses (E.g., farm equipment)?			X	
e. Result in inadequate emergency access?			X	
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks, etc.)?			X	
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) Santa Clara Valley Transportation Authority, Valley Transportation Plan 2040 Hexagon Consultants, "Traffic Study For Housing Element," March 23, 2015				

Impact 4.16 (a-b) Less Than Significant

Applicable transportation plans include the Valley Transportation Plan 2040 and General Plan Goals, Policies and Programs as noted earlier in this section. In March, 2015, Hexagon Transportation Consultants conducted a Trip Generation Study for potential multi-family development on the First Baptist Church site. The purpose of the study was to identify the increase in traffic due to the proposed development. Trip generation estimates were calculated for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7:00 and 9:00 AM and the PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average day. The study concluded that the development would generate only a small increase in traffic on Daves Avenue. Specifically, the number of new project trips would be 7-8 for each peak hour, resulting in one additional vehicle on Daves Avenue every 9 minutes during the morning commute period and 1 every 8 minutes during the evening commute period. The study concluded that this would be an indiscernible increase in traffic, and further traffic analysis was unnecessary. Further, because fewer than 100 peak hour trips would be generated, a Congestion Management analysis is not required.

Therefore, based on the results of the traffic study, there is no evidence that any proposed development at the First Baptist Church site would conflict with an applicable plan, ordinance or policy establishing measures of

effectiveness for the performance of the circulation system, including congestion management plans. The impact is **less than significant**.

Impact 4.16 (c) No Impact

Monte Sereno is not located within two miles of a public airport or within the vicinity of a private airstrip and therefore would not cause a change in air traffic patterns. Therefore, there is **no impact**.

Impact 4.16 (d) Less Than Significant

Entrance to the First Baptist Church is through an established driveway leading to the existing parking lot. There is no design feature or dangerous intersection in the vicinity. However, the Daves Elementary School is located across the street. The review of site access by the traffic consultant found that the Church driveway is sufficiently offset from the school driveways that the additional proposed development on the Church property would not cause any interference. Because of the low number of trips that the new homes would generate – at most one trip every 8 minutes – there would be no problem turning on and off Daves Avenue, and there would be no interference with school dropoff and pickup. Therefore, any impact would be considered **less than significant**.

Impact 4.16 (e) Less Than Significant

All new development must conform with Fire Department and City standards for emergency access. Consequently, impacts regarding emergency access would be **less than significant**.

Impact 4.16 (f) Less Than Significant

All proposed development will be required to conform with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities. Therefore, the impact is considered **less than significant**.

4.17 UTILITIES/SERVICE SYSTEMS

The following section presents information on utilities and service systems in the City of Monte Sereno, including water, wastewater, and solid waste. This section discusses the potential impacts of the proposed project on these services that in turn could lead to physical changes in the environment.

4.17.1 ENVIRONMENTAL SETTING

Water Service

The City of Monte Sereno receives its water supply from the San Jose Water Company. The San Jose Water Company obtains water from three major sources: groundwater, imported surface water, and local mountain surface water. Groundwater is pumped from over 100 wells that draw water from the Santa Clara Groundwater Basin. Groundwater accounts for approximately 40 percent of supply. Santa Clara Valley Water District (SCVWD), the wholesale supplier, provides imported surface water. Surface water imported from the Sacramento-San Joaquin Delta and purchased from the Santa Clara Valley Water district accounts for approximately 50 percent of supply. A majority of this water originates as Sierra snowmelt, and travels through the State and Federal water projects before treatment at SCVWD's three water treatment plants. A smaller portion is impounded in local reservoirs in Santa Clara County. Local mountain surface water is collected in the Santa Cruz Mountains, and treated at San Jose Water Company's two water treatment plants. Local surface water accounts for approximately 10 percent of supply. These sources are often blended together in the distribution system. Consequently, different sources are dispersed to Monte Sereno from day to day as customer usage changes. Monte Sereno will continue to meet its future demands with imported water, groundwater, and local surface water supplies.

Sewer Service

Sanitary sewer services are provided to Monte Sereno area by the West Valley Sanitation District (hereinafter "sanitation district").

Storm Water Collection

The City uses a storm water collection system, in conjunction with the natural creek drainage system, to manage storm water runoff. Storm water collected through this system ultimately drains into the San Francisco Bay (General Plan, page 91). Policy PS-31 of the general plan requires that services and facilities for new development are paid for by developers or property owners.

Solid Waste and Recycling

Solid waste and recycling service is provided by West Valley Collection and Recycling (WVC&R). WVC&R is a joint venture between Green Team of San Jose and Green Waste. Solid waste is picked up Monday through Friday weekly, depending on the Monte Sereno neighborhood. Paper, plastic, metal, glass and green waste, such as lawn trimmings, can be recycled. All recyclables collected are transmitted to the Material Recovery Facility located in San Jose, where they are sorted and processed into new materials. Other, non-recyclable solid waste materials are eventually transferred to the Guadalupe Sanitary Landfill located at 15999 Guadalupe Mines Road, San Jose, approximately 5.5 miles southeast of the City of Monte Sereno. E-waste is not collected by WVC&R at this time but may be dropped off by residents at the Material Recovery Facility (City of Monte Sereno General Plan, page 91).

The Green Team of San Jose operates the Materials Recovery Facility. The Materials Recovery Facility has a maximum permitted capacity of 46,488 tons per year of solid waste. The Guadalupe Sanitary Landfill has a remaining capacity of 11,055,000 cubic yards and is estimated to be in service until August 2048.

4.17.2 POLICY AND REGULATORY SETTING

State

Title 22 California Code of Regulations.

The California Department of Public Health (CDPH) promulgates and enforces state regulations for drinking water treatment facilities and distribution systems. These state regulations are at least as strict as federal drinking water regulations, although not all federal regulations are currently incorporated into corresponding state regulations. These state drinking water regulations are codified in California Code of Regulations (CCR) Title 22. The CDPH also regulates the distribution and use of recycled water through CCR Title 22. California Integrated Waste Management Act. To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. According to AB 939, all cities and counties were required to divert 25 percent of all solid waste from landfill facilities by January 1, 1995 and 50 percent by January 1, 2000.

The Act further requires every city and county to prepare two documents to demonstrate how the mandated rates of diversion would be achieved. The first document is the Source Reduction and Recycling (SRR) Element describing the chief source of the jurisdiction's waste, the existing diversion programs, and the current rates of waste diversion and new or expanded diversion programs intended to implement the Act's mandate. The second document is the Household Hazardous Waste Element, which describes what each jurisdiction must do to ensure that household hazardous wastes are not mixed with regular non-hazardous solid waste and deposited at a landfill.

Local

The City's General Plan includes the following policies regarding public services.

PS-1.1 Continue to provide public services using outside (non-City) providers if doing so will meet the needs of residents in the most cost-effective manner.

PS-1.2 Periodically review public services to ensure the cost-effective provision of quality services for Monte Sereno residents.

PS-1.3 City-provided services and facilities should be paid for by those benefiting. Benefit assessment districts or direct payment through fees should be utilized rather than use of general revenues.

PS-2.1 Participate in regional policy decision making which affects the quality and level of services provided in Monte Sereno. The City shall take an active role in coordinating with regional agencies, special districts, and surrounding cities regarding issues that lie within the Sphere of Influence.

PS-2.2 Continue to take a proactive role in decision making and providing input to outside service providers.

PS-2.3 Consult with outside service providers to ensure that uses and equipment are planned and constructed in a manner consistent with adopted City policies.

PS-2.4 Work closely with other governmental agencies, districts, and utility companies in monitoring current and projected levels of service to assure that present needs are met and that adequate capacity is maintained.

PS-2.5 Reduce costs by coordinating public improvements and programs with neighboring jurisdictions.

PS-2.6 Promote joint use of public facilities and agreements for sharing costs and operational responsibilities among public service providers.

PS-2.11 Encourage the San Jose Water Company to upgrade infrastructure and water pressure sufficiency for fire protection in all areas of Monte Sereno, especially Hazardous Fire Areas.

4.17.3 IMPACTS AND MITIGATION MEASURES

The Project is an update to the Housing Element. The 2015-2023 Housing Element Update proposes that Monte Sereno accommodate future housing on underdeveloped lands (including Second Units) with programs and policies that meet the Regional Housing Needs Allocation in conformance with the General Plan. The Project is a policy-level document and does not include any project specific designs or proposals.

Where applicable, potential impacts related to the First Baptist Church site and Program H-2.5 of the 2015-2023 are identified.

UTILITIES/SERVICE SYSTEMS

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
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	

d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f. Be served by a landfill with sufficient Permitted capacity to accommodate the project's solid-waste disposal needs?			X	
g. Comply with federal, state, and local statues and regulations related to solid waste?				X
Sources: City of Monte Sereno General Plan, 2009 City of Monte Sereno Municipal Code City of Monte Sereno General Plan, Municipal Plan Code Amendments and Environmental Impact Report April 24, 2013 (Draft) and July 25, 2013, (Final) West Valley Sanitation District, Sewer System Management Plan San Jose Water Company, Urban Water Management Plan				

Impact 4.17 (a) Less Than Significant Impact

As discussed in previous sections of this document, the 2015-2023 Housing Element Update is consistent with the anticipated level of development and population growth identified and evaluated in the General Plan. While any future development will result in the incremental increase in the generation of wastewater, the West Valley Sanitation District has adequate capacity to treat all existing and future wastewater volumes in accordance with Regional Water Quality Control Board standards. Therefore, the Project is not expected to exceed wastewater treatment capacity and the impact is **less than significant**.

Impact 4.17 (b) Less Than Significant Impact

The Project is not expected to require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The San Jose Water Company Urban Water Management Plan (UWMP) assumes a population growth of 1.1-1.5%. The UWMP indicates that sufficient water supplies are expected to be available through normal and/or multiple dry years until 2025. It is expected that water shortages may occur in the event of an extended drought period after 2025. Further as described above, the Sanitation District has adequate capacity to treat all existing and future wastewater volumes. Therefore, the Project will not require or result in the construction of new water or wastewater facilities or expansion of new facilities, the construction of which could cause significant environmental effects and the impact is **less than significant**.

Impact 4.17 (c) Less Than Significant Impact

The City uses a storm water collection system, in conjunction with the natural creek drainage system, to manage storm water runoff. Storm water collected through this system ultimately drains into the San

Francisco Bay (General Plan, page 91). Policy PS-31 of the General Plan requires that services and facilities for new development are paid for by developers or property owners. Any future development would implement the required General Plan policies and would be required to install adequate storm water infrastructure. In addition, as discussed in Section 4.9 Hydrology and Water Quality, any proposed future development of the First Baptist Church site and other sites with extensive grading will require a Municipal Regional Stormwater Permit and a Construction General Stormwater Permit which require that any redevelopment of the site incorporate Low Impact Design techniques and ensure that runoff does not exceed the rate and duration of that existing.

Therefore, the Project would not create or contribute run-off water, which would exceed the capacity of existing or planned storm water drainage systems and would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems and the impact would be **less than significant**

Impact 4.17 (d) Less Than Significant Impact

As described above, there are sufficient water supplies available to serve the Project from existing entitlements and resources. The San Jose Water Company Urban Water Management Plan (UWMP) assumes a population growth of 1.1-1.5%. The UWMP indicates that sufficient water supplies are expected to be available through normal and/or multiple dry years until 2025. It is expected that water shortages may occur in the event of an extended drought period after 2025. Therefore, there is sufficient water capacity and the impact is **less than significant**.

Impact 4.17 (e) Less Than Significant Impact

As discussed above, there is adequate wastewater capacity to serve future development of the Project. No new facilities are required for the proposed Project, therefore, impacts would be **less than significant**.

Impact 4.17 (f) Less Than Significant Impact

The Guadalupe Sanitary Landfill has a remaining capacity of 11,055,000 cubic yards and is estimated to be in service until August 2048. Based upon the proposed development in the Project, any increase in the solid waste and recycling materials would be minimal and could be accommodated by the service provider. Therefore, impacts would be **less than significant**.

Impact 4.17 (g) No Impact

Any development resulting from implementation of the 2015-2023 Housing Element Update (Project) would need to comply with all federal and state regulations as well as any local requirements such as the General Plan and Municipal Code in place, at the time a specific proposal is submitted. Therefore, there is **no impact** because potential developments would be required to comply with applicable regulations.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project 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; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?			X	
b. Does the project 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 past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Impact 4.18 (a) Less Than Significant Impact

The proposed Project is the City of Monte Sereno 2015-2023 Housing Element Update and related conforming and implementation actions. The Housing Element is a policy document addressing demographic issues and local housing needs in the City for the planning period from 2015 to 2023. The Project anticipates the development of 56 residential units to meet the adjusted regional housing needs allocation. These 56 units include 15 units that could be developed on the First Baptist Church site as identified in Program H-2.5 of the

Housing Element Update. Although the presence of potential biological resources has been identified (refer to Section 4.4) mitigation has been required to reduce potential impacts to a less than significant level.

The proposed Project would not 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. It is hereby found that the proposed Project would have **less than significant impacts**, either individually or cumulatively, on biological and cultural resources.

Impact 4.18 (b) Less Than Significant Impact

As a policy document, the subject Housing Element Update is designed to aid the City in future planning, and provides the policy and regulatory mechanism to allow the development of up to 56 new residential units for the planning period from 2015 to 2023.

As described herein, the subject Housing Element Update is consistent with the level and intensity of development previously envisioned within Monte Sereno's General Plan. The Housing Element does not introduce increased intensities beyond what has been previously considered. The cumulative effects of the Housing Element Update are consistent with the anticipated population growth and rate of development expected in the General Plan. Therefore, the Housing Element Update would not have a cumulatively considerable contribution and impacts would be **less than significant**.

Impact 4.18 (c) Less Than Significant Impact

The Housing Element is a policy document addressing local housing needs in the City for the Planning period from 2015 to 2023. The Project provides the policy and regulatory mechanism to facilitate the development of 56 residential units. Future residential projects would be evaluated for their potential direct and indirect impacts on human beings. Through the City's environmental review process, future residential developments would be evaluated to determine their impacts pursuant to CEQA, and if needed, mitigation would be required to reduce potential impacts to a less than significant level.

The subject Housing Element Update does not introduce any new policies or programs that would result in a substantial adverse effect to human beings. Therefore, the Project would have a **less than significant impact**.

5.0 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that, although the proposal could have a significant effect on the environment, there will not be a significant effect 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 proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposal MAY have a significant effect(s) 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, if the effect is a "potentially significant impact" or "potentially significant unless mitigation incorporated." 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.

City of Monte Sereno Lead Agency :

Signature: E. Ventura

Erin Ventura, Management Analyst/Planner

Date:

4/3/15

APPENDIX:

Housing Element Traffic Study

HOUSING ELEMENT TRAFFIC STUDY



HEXAGON TRANSPORTATION CONSULTANTS, INC.

**Memorandum**

Date: March 23, 2015
To: Ms. Erin Ventura, City of Monte Sereno
From: Gary Black
Subject: Traffic Study for the Housing Element in Monte Sereno, California

**Introduction**

Hexagon Transportation Consultants, Inc. has completed this traffic study for the proposed Monte Sereno Housing Element. The Housing Element will designate a site for 15 multi-family homes across from Daves Avenue Elementary School (see Figure 1). The homes would be built on part of the First Baptist Community Church property.



Due to the small amount of new traffic that would be generated by the development of the site, the traffic study is limited in scope. It is not expected that further analysis will be warranted.

**Scope of Study**

This study includes an estimate of trip generation and a review of site access for the potential housing site. Trip generation estimates were calculated for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7:00 and 9:00 AM, and the PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average day.

**Project Trip Generation**

Through empirical research, data have been collected that quantify the amount of traffic produced by common land uses. The magnitude of traffic added to the roadway system by the project was estimated by multiplying the applicable trip generation rates by the size of the development. The Institute of Transportation Engineers (ITE) manual entitled *Trip Generation*, Ninth Edition was used for the analysis. The ITE manual is a compendium of research on trip generation for various land use types that can be used to calculate trip rates per unit. The ITE rates are based on numerous counts of existing development of the same land use type. The trip generation rates used for the proposed development are based on the rates published for "Residential Condominium/Townhouse" (ITE Code 230). Based on this rate, the proposed project would generate 7 trips during the AM peak hour and 8 trips during the PM peak hour (see Table 1). These totals are approximately equivalent to 1 additional vehicle on Daves Avenue every 9 minutes during the morning commute period and 1 additional vehicle every 8 minutes during the afternoon commute period. This would be an undiscernable increase to traffic. Using the inbound/outbound splits recommended by ITE, the project would produce:



- 1 inbound and 5 outbound trips during the AM peak hour, and
- 5 inbound and 3 outbound trips during the PM peak hour.



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**Table 1
Trip Generation Estimates for Housing Element**

Land Use	Size ¹	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
				Pk-Hr Rate	In	Out	Total	Pk-Hr Rate	In	Out	Total
Proposed Uses:											
Multi-Family Home ²	15	5.81	87	0.44	1	5	7	0.52	5	3	8

¹ Home size expressed in number of dwelling units.
² Source: Residential Condominium/Townhouse (230) ITE Trip Generation, Ninth Edition, 2012, average rates.

Site Access

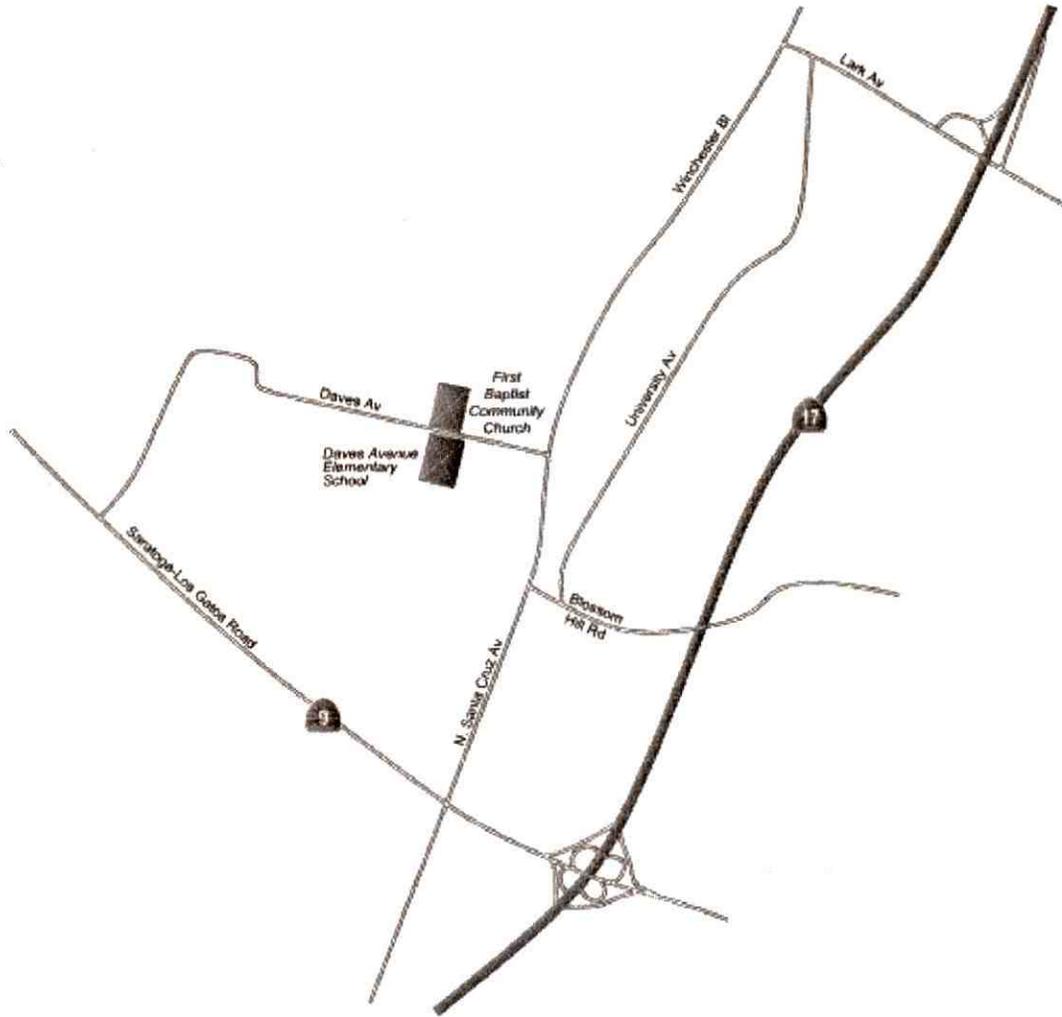
The proposed Housing Element site is located behind the First Baptist Community Church on Daves Avenue. The homes would share the current church driveway. The driveway is located across from Daves Avenue School. The driveway is sufficiently offset from the school driveways so that there would not be any interference. Because of the low number of trips that the new homes would generate – at most one trip every 4 minutes – there would be no problem turning on and off Daves Avenue, and there would be no interference with school drop-off and pick-up.

Conclusions

The proposed Housing Element would generate a small increase in traffic on Daves Avenue. Since the number of new project trips would be 10-15 for each peak hour, the project traffic impact would be minimal, and further traffic analysis should be unnecessary.



Monte Sereno Housing Element



LEGEND

 = Project Site Location

Figure 1
Site Location



**Mitigation Monitoring and Reporting Program
City of Monte Sereno 2015-2023 Housing Element
Mitigated Negative Declaration**

Environmental Impact	Mitigation Measures	Responsible Entity	Timing
Aesthetics AES-1	<p>Potential development of the First Baptist Church site shall conform to the City of Monte Sereno Design Guidelines for compatible residential development, including:</p> <ol style="list-style-type: none"> a. The building(s) architectural style, visual bulk, massiveness, height, width and length shall be compatible with the neighborhood and harmonize with the existing residential structures of neighboring properties; b. The building(s) mass, roof form and projecting elements shall be designed so as to minimize the visual impact of the building(s) on the neighborhood. Rooflines shall be designed in ways that minimize interference with any existing views from neighboring properties; . c. Open space and landscape areas should visually blend with adjacent properties and be consistent with the neighborhood and sensitive to the rural character of the City, and existing mature trees that screen the property from adjacent residences shall be preserved; d. Buildings shall be orientated so that outdoor space will visually connect between properties and extend a sense of open space, while maintaining a sense of privacy; and e. Private open space such as patios gardens, recreation courts and play areas shall be placed to maximize use of sun and shade patterns, natural drainage and existing vegetation. 	Planning Department	<p>During the entitlement process</p> <p>During the construction and building permit process</p>
Aesthetics AES-2	<p>Lighting on the potential project site shall conform to the City of Monte Sereno Design Guidelines for residential development, as follows:</p> <ol style="list-style-type: none"> a. Exterior lighting shall not be directed toward the street, the sky, or neighboring parcels; b. Light sources shall not be visible from off site; and c. Tennis and sports courts may not be illuminated. 	Planning Department	<p>During the design review process</p> <p>During the construction and building permit process</p>

**Mitigation Monitoring and Reporting Program
City of Monte Sereno 2015-2023 Housing Element
Mitigated Negative Declaration**

Air Quality AQ-1	Any approval of future development of the site shall include applicable control measures from the Air District's current air quality plan. These control measures include, but are not limited to, the following: a. Provision of internal bicycle facilities with connection to Daves Avenue, and provision of bicycle parking within the development; b. Provision of sidewalks on internal streets with sidewalks on Daves Avenue; c. Incorporation of solar hot water or solar electricity into future development; d. Incorporation of cool roofing" and "cool paving" technologies into the development; and/or e. Inclusion of shade trees in landscaping plans.	Planning Department	During the design review process During the construction and building permit process
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**Mitigation Monitoring and Reporting Program
City of Monte Sereno 2015-2023 Housing Element
Mitigated Negative Declaration**

Environmental Impact	Mitigation Measures	Responsible Entity	Timing
<p>Air Quality AQ-2</p>	<p>Approval of any future development of the site shall include applicable measures from the Air District's Basic Construction Mitigation Measures. These measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; b. All haul trucks transporting soil, sand, or other loose material off-site will be covered; c. All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d. All vehicle speeds on unpaved roads will be limited to 15 mph; e. All roadways, driveways and sidewalks to be paved will be completed as soon as possible. Pavement surfaces will be laid as soon as possible after grading unless seeding or soil binders are used; f. Idling times will 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 will be provided for construction workers at all access points; g. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation; and h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person will respond and take corrective action within 48 hours. The Air 	<p>Building Department</p>	<p>During the construction</p>

**Mitigation Monitoring and Reporting Program
City of Monte Sereno 2015-2023 Housing Element
Mitigated Negative Declaration**

	District's phone number will also be visible to ensure compliance with applicable regulations.		
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**Mitigation Monitoring and Reporting Program
City of Monte Sereno 2015-2023 Housing Element
Mitigated Negative Declaration**

Environmental Impact	Mitigation Measures	Responsible Entity	Timing
Biological Resources BIO-1	<p>To avoid impacts to nesting birds, the removal of trees and shrubs shall be minimized to the greatest extent feasible. Construction activities that include any tree removal, pruning, grading, grubbing, or demolition shall be conducted outside of the bird nesting season (February through August). If this type of construction occurs during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction. This survey shall be conducted no more than 7 days prior to the initiation of disturbance activities during the early part of the nesting season (February through April) and no more than 30 days prior to the initiation of disturbance activities during the late part of the nesting season (May through August). If no active nests are present within 250 feet of construction, then activities can proceed as scheduled. However, if an active nest is detected during the survey within 250 feet of construction, then the establishment of a protective construction-free buffer zone from each active nest (typically 250 feet for raptors and 50-100 feet for other species) will be clearly delineated or fenced until the juvenile bird(s) have fledged (left the nest), unless the biologist determines that construction would not impact the active nest.</p> <p>To avoid impacting active pallid bat and hoary bat roosts, if present, any mature trees removed due to project implementation shall be removed in two stages (with the limbs removed one day, and the main trunk removed on a subsequent day) to allow any potentially present day-roosting bats the opportunity to relocate.</p>	Project applicant and qualified biologist	Prior to the start of construction
Biological Resources BIO-2	If future development of the project site includes the removal of any significant trees as defined in the City's Tree Preservation Ordinance or are over six inches in diameter per the Subdivision Ordinance, the developer shall plant a California native tree species with at least a one-to-one replacement ratio on the project site, unless inconsistent with	Project applicant Planning Department	During the design review process

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	<p>good forestry practices, and obtain a permit prior to removal of trees over six inches in diameter, in compliance with the City of Monte Sereno's Tree Preservation Ordinance and/or Subdivision Ordinance. A qualified arborist shall also survey any trees to be preserved, including the trunk diameter, canopy spread, species, and location, and recommend specific steps that must be taken during construction to ensure that those trees are not impacted.</p>		<p>During the construction and building permit process</p>
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Environmental Impact	Mitigation Measures	Responsible Entity	Timing
<p>Cultural Resources CR-1</p>	<p>The City shall require completion of an historic and architectural evaluation of the Church at the time any application is made for residential development of the First Baptist Church site. The project sponsor shall be required to retain a qualified architectural historian to complete a site-specific historic resources study consistent with the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of any identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If federal or state funds are involved, certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.</p> <p><i>Treatment in Accordance with the Secretary of the Interior's Standards.</i> If the Church building is found to be a historic resource, any future proposed project on the Church site that would affect the Church shall conform to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i> (1995). The <i>Standards</i> require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures and compatible adjacent development.</p>	<p>Planning Department</p>	<p>During the design review process</p>
<p>Cultural Resources CR-2</p>	<p>If prehistoric archaeological resources (i.e., prehistoric sites, and/or isolated artifacts) are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be</p>	<p>Project Applicant Planning Department</p>	<p>During the construction</p>

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	<p>staked off. The City shall be notified, and the City shall retain a qualified professional historian and/or archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in history and/or archaeology at the Applicant's expense to evaluate and determine the significance of the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.</p>		
<p>Cultural Resources CR-3</p>	<p>Any approval of a development application for the First Baptist Church site shall include the requirement that, in the event of an accidental discovery or recognition of any human remains, the following language shall be included in all construction documents associated with future development of the project site in accordance with CEQA Guidelines section 15064.5(e):</p> <p>"If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of Santa Clara County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the City of Monte Sereno or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The City of Monte Sereno or it's authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the City of Monte Sereno or its authorized</p>	<p>Planning Department</p>	<p>During the building permit process</p>

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	representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner."		
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Environmental Impact	Mitigation Measures	Responsible Entity	Timing
Land Use and Planning LUP-1	The City's General Plan will need to be amended in order to permit multifamily residences as proposed in Program H-2.5 However, this amendment will not create any additional physical impacts on the environment other than those reviewed in this Initial Study.	Planning Department	By December 31, 2016

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Environmental Impact	Mitigation Measures	Responsible Entity	Timing
<p>Noise N-1</p>	<p>Prior to issuance of a grading permit for future development, the following measures shall be incorporated into the project plans to mitigate construction noise, subject to the review and approval of the City of Monte Sereno:</p> <ol style="list-style-type: none"> 1. Exterior construction shall be limited to weekdays between 8:00AM and 5:00PM and Saturday between 9:00AM and 5:00PM; 2. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment; 3. Temporary berms or noise barriers, such as lumber or other material stockpiles should be utilized; 4. Stationary noise-generating equipment (e.g. generators and compressors) shall be located as far as possible from sensitive receptors and housed in acoustical enclosures; and 5. Consistent with Action HS-6.1 of the General Plan, prior to issuance of a building permit, the applicant shall propose specific construction techniques for noise buffering, barriers or setbacks to reduce construction noise to a level within the noise/land use compatibility standards. 	<p>Planning Department</p>	<p>During the grading permit process</p>