



SARATOGA

California

Community Development Department

13777 Fruitvale Avenue

Saratoga, CA 95070

408.868.1222

NOTICE OF AVAILABILITY/NOTICE OF PUBLIC COMMENT PERIOD FOR A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)

FOR THE CITY OF SARATOGA 6TH CYCLE HOUSING ELEMENT UPDATE,
SAFETY ELEMENT UPDATE, 2040 GENERAL PLAN UPDATE, AND ASSOCIATED REZONINGS

DATE: January 27, 2023

TO: California State Clearinghouse
California Responsible Agencies
California Trustee Agencies
Federal Agencies
Other Interested Agencies, Parties, and Organizations

FROM: City of Saratoga Community Development Department

LEAD AGENCY: City of Saratoga Community Development Department
Debbie Pedro, AICP, Community Development Director
13777 Fruitvale Avenue
Saratoga, CA 95070
Phone: (408) 868-1231
Email: dpedro@saratoga.ca.us

SUBJECT: Notice of Availability (NOA)/Notice of Public Comment Period for a Draft Program Environmental Impact Report (EIR) for the City of Saratoga 6th Cycle Housing Element Update, Safety Element Update, 2040 General Plan Update, and Associated Rezonings

PUBLIC COMMENT PERIOD: January 27, 2023 to March 13, 2023 by 5:00 p.m.

NOTICE IS HEREBY GIVEN THAT The City of Saratoga, as the Lead Agency, prepared a Draft Program Environmental Impact Report (EIR) for the proposed City of Saratoga 6th Cycle Housing Element Update, Safety Element Update, 2040 General Plan Update, and Associated Rezonings (collectively referred to as the “proposed project”). The Draft Program EIR addresses the environmental impacts associated with the adoption and implementation of the proposed project. This Notice of Availability (NOA) is being distributed to applicable responsible agencies, trustee agencies, and interested parties as required by the California Environmental Quality Act (CEQA).

PUBLIC REVIEW AND COMMENT PERIOD: The City of Saratoga, as the Lead Agency, invites public comment on the Draft Program EIR in response to this NOA from all interested parties, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved agencies. In accordance with the time limits established by CEQA, the NOA 45-day public review period will begin on January 26, 2023 and end on March 13, 2023.

If no response or request for additional time is received by any Responsible or Trustee Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency or Trustee Agency has no response to make [CEQA Guidelines Section 15082(b)(2)]. Please send your written/typed comments (including name, affiliation, telephone number, and contact information) by 5:00 p.m. on March 13, 2023 to:

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13777 Fruitvale Avenue
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Phone: (408) 868-1231
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WHERE TO REVIEW THE DOCUMENT: The Draft Program EIR can be viewed online at the following link: <https://www.saratoga.ca.us/499/Housing-Element-Update> Any sources of information referenced in the Draft Program EIR can be provided upon request by contacting the project planner.

Copies are also available for review at:

City of Saratoga
Community Development Department 13777
Fruitvale Avenue
Saratoga, CA 95070
Phone: (404) 868-1231

PROJECT-RELATED DOCUMENTS: Saratoga's existing General Plan documents (including the 2015-2023 Housing Element and 2013 Safety Element) and materials for the 2040 General Plan Update are available at www.saratoga.ca.us/gp. More information specific to the Housing Element Update process is available at www.saratoga.ca.us/housing.

PROJECT LOCATION: The City of Saratoga is located in northwestern Santa Clara County. The City is bordered by San Jose to the north and northwest, Campbell to the east, Monte Sereno to the southeast, and the Fremont Older Open Space Preserve and unincorporated county lands to the west. The General Plan Planning Area is the geographic extent for the environmental analysis, composed of approximately 9,016 acres (approximately 7,201 acres within City limits and 1,815 acres within the City's Sphere of Influence).

California State Route 85 (SR-85) intersects the northeast corner of the City and connects Saratoga to the rest of the San Francisco Bay Area to the north and U.S. Route 101, a major north-south highway, to the east. In addition, State Route 9 (SR-9) intersects the southern portion of the city and provides connections to State/regional parks and Santa Cruz to the south.

PROJECT BACKGROUND: The City of Saratoga's comprehensive General Plan establishes a consistent direction for future development and contains elements covering State-mandated topics. The Saratoga General Plan Elements are: Land Use, Circulation & Scenic Highways, Housing, Open Space & Conservation, Noise, and Safety. The City of Saratoga adopted its General Plan in 1983 and has updated one or two elements at a time based on State requirements. In accordance with State law, the new planning

period, also known as the “6th Cycle”, for the updated Housing Element will extend from January 31, 2023 to January 31, 2031. Revision of the Housing Element also triggers review and update of the Safety Element (SB 1035, 2018).

In addition to the General Plan, in 2016, the Saratoga City Council determined that the Village Specific Plan had served its useful life, and that future policy guiding land use, development, and building modifications in the village should be incorporated into the General Plan.

KEY COMPONENTS OF HOUSING ELEMENT: Through the Housing Element update process, the City is required to demonstrate that it has the regulatory and land use policies to accommodate its assigned Regional Housing Needs Allocation (RHNA). Local governments are not required to build the housing, rather, the actual development of housing is anticipated to be constructed by developers. However, the Housing Element is required to identify potential sites where housing can be accommodated to meet all the income levels of a jurisdiction’s RHNA. Identification of potential sites and related site housing capacity does not guarantee that construction will occur on that site. If there are insufficient sites and capacity to meet the RHNA allocation, the Housing Element is required to identify a rezoning program to accommodate the required capacity. If the City does not identify capacity for its RHNA allocation, the City could be deemed out of compliance and risk losing important sources of funding currently provided by the State as well as facing legal challenges.

The Key Components of the housing element are:

1. Housing Needs Assessment: Examine demographic, employment, and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
2. Evaluation of Past Performance: Review the prior Housing Element to measure progress in implementing policies and programs.
3. Housing Sites Inventory: Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels.
4. Affirmatively Furthering Fair Housing (AFFH): Facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities, in compliance with Assembly Bill 686 (2018).
5. Community Engagement: Implement a robust community engagement program, reaching out to all economic segments of the community plus traditionally underrepresented groups.
6. Constraints Analysis: Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
7. Policies and Programs: Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.

REGIONAL HOUSING NEEDS ALLOCATION (RHNA): In addition to including goals, policies, and implementation strategies regarding housing, housing elements must include a list of housing sites that can accommodate the amount of housing units assigned to the City by the Association of Bay Area Governments (ABAG). This assignment is referred to as a RHNA (see **Table 1**).

Along with the amount of RHNA units assigned to the City, the City needs to provide a buffer (extra housing sites) to ensure there is capacity to ensure an ongoing supply of sites for housing during the eight-year-cycle of the Housing Element. Without the buffer, the City could be obliged to identify new sites and amend the Housing Element prior to the end of the cycle if an identified site were developed with a non-housing project or developed at a density less than that anticipated in the Housing Element.

Table 1 City of Saratoga RHNA and Proposed Housing Units Across Income Categories

INCOME LEVEL	RHNA	PROPOSED
Very-Low-Income (0-50 percent of AMI) *	454	503
Low-income (50-80 percent of AMI)	261	309
Moderate-income (80-120 percent of AMI)	278	318
Above moderate-income (120 percent or more of AMI)	719	864
TOTAL	1,712	1,994

*Area Median Income

PROPOSED 6TH CYCLE HOUSING ELEMENT UPDATE: The City will be adopting a new Housing Element to comply with all requirements of State law. This will include all the components noted above. As required by State law, the proposed housing sites inventory includes sufficient existing and new housing sites at appropriate densities to meet the City’s RHNA requirement plus a buffer. To determine where these potential housing sites will be and what densities will be required to satisfy legal requirements, the City has conducted several study sessions with the public to identify parcels in the City where housing sites could potentially be located. The proposed project also includes changes to the General Plan Land Use Element and the City’s zoning code necessary to implement the Housing Element.

SAFETY ELEMENT: The goal of the Safety Element is to reduce the negative impacts caused by natural phenomena such as fires, floods, droughts, earthquakes, and landslides. Jurisdictions must update the Safety Element upon each revision of the housing element or local hazard mitigation plan (LHMP), but not less than once every eight years. (SB 1035, 2018).

2040 GENERAL PLAN UPDATE: In addition to the 6th Cycle Housing Element and Safety Element, the City of Saratoga is updating the Land Use, Open Space & Conservation, and Circulation & Scenic Highways Elements to reflect current conditions, amend inconsistencies, and achieve compliance with current state laws and applicable regional policies (known collectively as the “2040 General Plan Update”). No changes are proposed to the Noise Element or to the currently adopted land uses except as necessary to implement the Housing Element.

As part of the update process, the recently adopted goals and policies for the Saratoga Village Specific Plan will be incorporated into the Land Use Element and the existing Village Plan (May 1988, modified April 2010) will be rescinded.

PROGRAM EIR ANALYSIS: The City of Saratoga, as the Lead Agency, prepared a Draft Program EIR for the proposed project. These actions are subject to CEQA review and the Draft Program EIR was prepared in accordance with CEQA, implementing the CEQA Guidelines, relevant case law, and City procedures. As policy documents, the proposed project provides guidance and sets standards for several areas of mandatory environmental review for later projects that would be undertaken by local government and the private sector, such as specific infrastructure or development projects.

The Draft Program EIR evaluates potential environmental impacts associated with adoption and implementation of the proposed project. The Draft Program EIR discloses potential impacts of the proposed project, proposes mitigation measures to avoid and/or reduce impacts deemed potentially significant, identifies reasonable alternatives, and compares the environmental impacts of the alternatives to the proposed project’s impacts. Pursuant to Section 15063(a) of the CEQA Guidelines, no Initial Study will be prepared. The Program EIR evaluates the full range of environmental issues contemplated under CEQA and the CEQA Guidelines.

The Draft Program EIR discusses the cumulative impacts of the proposed project in combination with other closely related past, present, and reasonably foreseeable probable future projects in the vicinity and describes and evaluates the comparative merits of a reasonable range of alternatives to the proposed

Notice of Availability

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

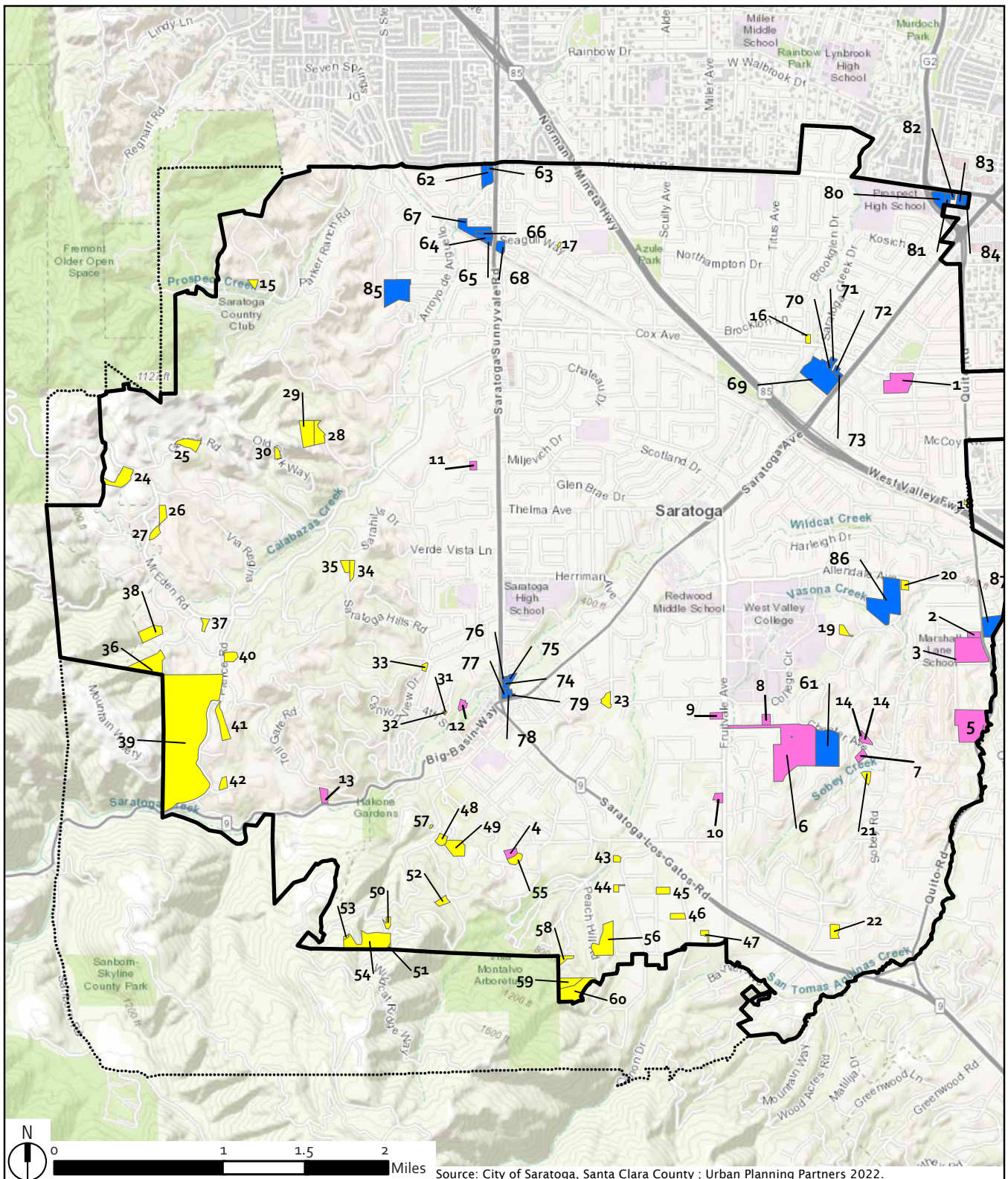
project that could reasonably accomplish most of the basic project objectives and could avoid or substantially lessen one or more of the significant impacts. The Draft Program EIR also analyzes the “No Project Alternative” and identifies the environmentally superior alternative. The Draft Program EIR briefly describes and explains any alternatives that were eliminated from detailed consideration. The alternatives analyzed were developed during the environmental review process and considered input received during the public scoping process.

ENVIRONMENTAL REVIEW PROCESS: Prior to the adoption of the Draft Program EIR, the City will be accepting comments on the adequacy of the document during a 45-day public comment period. Interested agencies, organizations, and individuals are encouraged to submit comments on the completeness and technical adequacy of the Draft Program EIR and alternatives.

The City requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

Following the close of the public comment period, a Final Program EIR will be prepared and circulated in accordance with CEQA requirements. The Final Program EIR will include responses to all comments received and a discussion of any changes to the selected alternative. The City of Saratoga, as the Lead Agency, will circulate the Final Program EIR before taking action on the proposed project. Following circulation of the Final Program EIR, the City of Saratoga, as the Lead Agency, will follow the City's adoption/certification process. Oral and written comments, including names and addresses of commentators, will be made available for public review. Individuals may request that their identity or address be withheld from public disclosure, which will be honored to the extent allowable by law. If you wish to have your name and/or address withheld, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

A copy of this NOA (in full color) can be found on the City website at <https://www.saratoga.ca.us/499/Housing-Element-Update>, and it is available on file at the City of Saratoga Planning Department (13777 Fruitvale Avenue, Saratoga, CA 95070).



- Saratoga Municipal Boundary
- Saratoga Sphere of Influence
- Vacant Sites
- Non-Vacant Sites
- Pipeline Pending Projects

Housing Sites

Saratoga Housing and Safety Elements, and 2040 General Plan Updates EIR