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Application PDR 08-0029 & VAR08-0001; 21216 Bank Mill Road 503-55-005); Sharma / Nielsen Architects - Per City Code Section 15.45.060 (a)(1), the applicant requests Design Review approval to construct a new two-story, single-family residence with a basement. The total floor area (not including the 1,413 sq. ft. of basement not included) would be 4,178 sq. ft. Per City Code 15.12.061 (a), the applicant requests a variance to locate the building footprint underneath the dwelling unit that exceeds thirty percent slope. Eight trees are requested for removal to construct the project. Those trees have met the criteria for removal, and may be removed and replaced once Building Division permits have been issued for the project. Staff Contact: Michael Fossati (408)868-1212.

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**AGENDA
REGULAR MEETING
SARATOGA PLANNING COMMISSION
Wednesday, March 14, 2012**

**REGULAR MEETING – 7:00 P.M. – CIVIC THEATER/COUNCIL CHAMBERS AT 13777
FRUITVALE AVENUE**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

Action Minutes from the Regular Planning Commission Meeting of February 22, 2012

COMMUNICATIONS FROM COMMISSION & PUBLIC

Oral Communications on Non-Agendized Items

Any member of the Public will be allowed to address the Planning Commission for up to three (3) minutes on matters not on this agenda. The law generally prohibits the Planning Commission from discussing or taking action on such items. However, the Planning Commission may instruct staff accordingly regarding Oral Communications under Planning Commission direction to Staff.

Oral Communications – Planning Commission Direction to Staff

REPORT OF APPEAL RIGHTS

If you wish to appeal any decision on this Agenda, you may file an “Appeal Application” with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15-90.050 (b).

PUBLIC HEARING

All interested persons may appear and be heard at the above time and place. Applicants/Appellants and their representatives have a total of ten minutes maximum for opening statements. Members of the Public may comment on any item for up to three minutes. Applicant/Appellants and their representatives have a total of five minutes maximum for closing statements.

1. Application PDR 11-0021; 14422 Big Basin Way (517-09-017) MBA Architects & Klear - The applicant is requesting approval of a Design Review application to construct a 3,994 square foot, 35-foot tall three story office building located at 14422 Big Basin Way behind the Mint Leaf Restaurant. The existing two story single family home will be removed. The existing driveway/alley would be remodeled into a landscape courtyard to include an outdoor dining area for the Mint Leaf Restaurant. Staff Contact: Christopher Riordan (408)868-1235

Recommended action:

Staff recommends the Planning Commission adopt Resolution 12-002 approving Design Review PDR11-0021 subject to conditions of approval.

2. Application PDR 10-0021 & SUB 11-0003 & CUP 12-0001; 14651 Big Basin Way (503-25-015); John and Sue Kang / Tom Sloan - The applicant is requesting approval to replace an existing 2,430 square foot building with a new 11,557 square foot mixed-use building. The new building would include three residential condominium units, one apartment unit, 1,246 square feet of retail space, and a 7,090 square foot basement parking garage. Staff Contact: Cynthia McCormick (408) 868-1230.

Recommended action:

Staff recommends that the Planning Commission adopt Resolution No. 12-007 recommending the City Council adopt the Negative Declaration; and approve the Design Review, Conditional Use Permit, and Tentative Map subject to conditions of approval.

3. Application ZOA 11-0004; City of Saratoga - . The proposed changes to City Code Article 15-30 (Sign Ordinance) (1) eliminate direct references to content in conformance with the First Amendment of the U.S. Constitution; (2) generally keep or increase the standards for sign size, design, placement, lighting, materials, and type of sign structures; and (3) include the creation of sign districts. Staff Contact: Cynthia McCormick (408) 868-1230.

Recommended action:

Staff recommends that the Planning Commission adopt Resolution No. 12-009 recommending the City Council adopt the updated Sign Ordinance (Article 15-30)

4. Application PDR 08-0029 & VAR08-0001; 21216 Bank Mill Road 503-55-005); Sharma / Nielsen Architects - Per City Code Section 15.45.060 (a)(1), the applicant requests Design Review approval to construct a new two-story, single-family residence with a basement. The total floor area (not including the 1,413 sq. ft. of basement not included) would be 4,178 sq. ft. Per City Code 15.12.061 (a), the applicant requests a variance to locate the building footprint underneath the dwelling unit that exceeds thirty percent slope. Eight trees are requested for removal to construct the project. Those trees have met the criteria for removal, and may be removed and replaced once Building Division permits have been issued for the project. Staff Contact: Michael Fossati (408)868-1212.

Recommended action:

Staff recommends the Planning Commission adopt Resolution No. 12-008 approving PDR08-0029 & VAR08-0001 subject to conditions of approval.

NEW BUSINESS

DIRECTOR/COMMISSION COMMUNICATION

ADJOURNMENT TO THE NEXT MEETING

- Wednesday, March 28, 2012 at 7:00 p.m. in the Council Chambers/Civic Theater
13777 Fruitvale Avenue, Saratoga, CA

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Clerk at (408) 868-1269 or ctclerk@saratoga.ca.us. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

CERTIFICATE OF POSTING OF AGENDA

I, Abby Ayende, Office Specialist III for the City of Saratoga, declare that the foregoing agenda for the meeting of the Planning Commission was posted and available for public review on March 8, 2012, at the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and on the City's website at www.saratoga.ca.us.

You can also sign up to receive email notifications when Commission agendas and minutes have been added to the City at website http://www.saratoga.ca.us/contact/email_subscriptions.asp.

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CITY OF SARATOGA PLANNING COMMISSION ACTION MINUTES

DATE: Wednesday, February 22, 2012 - 7:00 PM
PLACE: Council Chambers/Civic Theater, 13777 Fruitvale Avenue, Saratoga, CA
TYPE: Regular Meeting

ROLL CALL

Commissioners – Vice-Chair Tina K. Walia, Mary-Lynne Bernald, Pragati Grover, Joyce Hlava and Yan Zhao

ABSENT

Commissioners Robertson and Reis

PLEDGE OF ALLEGIANCE

MINUTES

Action Minutes from the Regular Planning Commission Meeting of February 8, 2012

ORAL COMMUNICATION

Any member of the Public will be allowed to address the Planning Commission for up to three minutes on matters not on this agenda. The law generally prohibits the Planning Commission from discussing or taking action on such items. However, the Planning Commission may instruct staff accordingly regarding Oral Communications under Planning Commission direction to Staff.

ORAL COMMUNICATIONS- PLANNING COMMISSION DIRECTION TO STAFF

REPORT OF POSTING AGENDA

Pursuant to the Government Code 54954.2, the agenda for this meeting was properly posted on February 16, 2012

REPORT OF APPEAL RIGHTS

If you wish to appeal any decision on this Agenda, you may file an “Appeal Application” with the City Clerk within fifteen (15) calendar days of the date of the decision, pursuant to Municipal Code 15-90.050 (b).

All interested persons may appear and be heard at the above time and place. Applicants/Appellants and their representatives have a total of ten minutes maximum for opening statements. Members of the Public may comment on any item for up to three minutes. Applicant/Appellants and their representatives have a total of five minutes maximum for closing statements.

PUBLIC HEARING

1. **Application MOD11-0003 14781 Farwell Avenue (397-20-096) S3 Design Group / Franca** - The applicant requests Design Review approval for an addition (940 square feet on the first floor and 862 square feet on the second floor) to an existing single family residence at 14781 Farwell Avenue. The second floor addition would be deemed as a legal second dwelling unit. (Michael Fossati) **(Approved, 5:0)**
2. **Application PDR11-0035; 15230 Sobey Road (397-07-107); Dr. David N.K. Wang / Michael Helm** - The applicant is requesting Design Review approval to construct a new twenty-one foot tall 3,510 square foot single-story home on an unimproved lot at 15230 Sobey Road. (Cynthia McCormick, Planner, AICP) **(Approved, 5:0)**
3. **Application PDR 10-0021 & SUB 11-0003 & CUP 12-0001; 14651 Big Basin Way (503-25-015); John and Sue Kang / Tom Sloan** - The applicant is requesting approval to replace an existing 2,430 square foot

building with a new 11,557 square foot mixed-use building located at 14651 Big Basin Way. The new building would include three residential condominium units, one apartment unit, 1,246 square feet of retail space, and a 7,090 square foot basement parking garage. (Cynthia McCormick, Planner, AICP) **(Continued to March 14, 2012 meeting, 5:0)**

NEW BUSINESS

DIRECTORS ITEM

COMMISSION ITEMS

COMMUNICATIONS

ADJOURNMENT TO NEXT MEETING – ADJOURNED 7:46 PM

- Wednesday, March 14, 2012 at 7:00 p.m. in the Council Chambers/Civic Theater
13777 Fruitvale Avenue, Saratoga, CA

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the City Clerk at (408) 868-1269 or ctclerk@saratoga.ca.us. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

CERTIFICATE OF POSTING OF AGENDA

I, Abby Ayende, Office Specialist III for the City of Saratoga, declare that the foregoing agenda for the meeting of the City Council was posted and available for public review on February 16, 2012 at the City of Saratoga, 13777 Fruitvale Ave., Saratoga, CA 95070 and on the City's website at

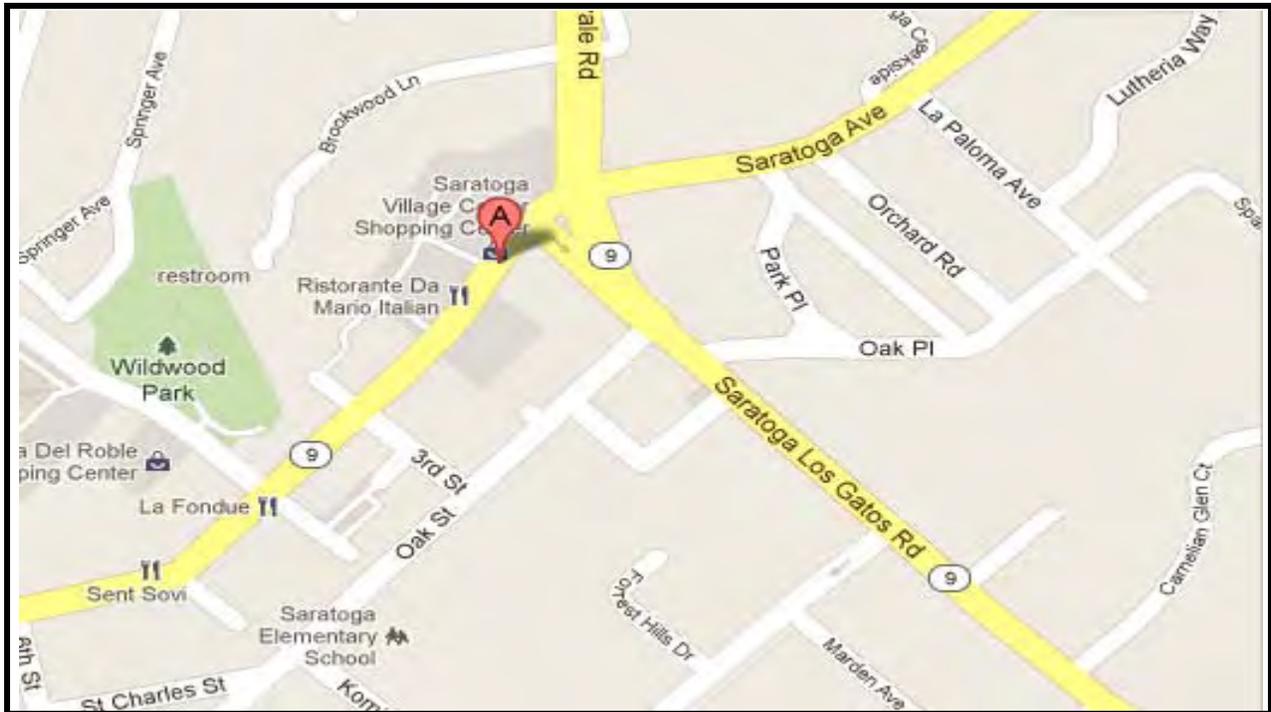
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REPORT TO THE PLANNING COMMISSION

Application No./Location:	PDR11-0021 – 14422 Big Basin Way
Type of Application:	Design Review for a proposed 3,994 square foot, 35-foot tall three story office building.
Applicant/Owner:	MBA Architects/ Susan Klear
Staff Planner:	Christopher Riordan, AICP
Meeting Date:	March 14, 2012
APN:	517-09-017



14422 Big Basin Way

SUMMARY

ZONING:
CH-1

GENERAL PLAN DESIGNATION:
CR (Commercial Retail)

PARCEL SIZE:
Net: 3,939 square feet

AVERAGE SLOPE
Level Site

GRADING REQUIRED:
None

PROJECT DESCRIPTION:

The applicant requests Design Review approval to construct a proposed 3,994 square foot, three story, 35-foot tall office building at 14422 Big Basin Way.

The Planning Commission (Commission) reviewed the project during the February 8, 2012 Commission meeting. The Commission suggested to the applicant that the appearance of the building might be improved if the “Mission” style of the parapet in the northwestern corner was modified to be consistent with the “straight” parapet design of the remainder of the building. The Commission continued the public hearing to the meeting of March 14, 2012 to provide an opportunity for the applicant to submit revised plans.

Design Review approval is required pursuant to Saratoga Municipal Code Section 15-46.040.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution 12-002 approving Design Review PDR11-0021 subject to conditions of approval.

PROJECT DETAILS:

Two buildings are currently located on the site. The first building, positioned in the northwest corner of the site and adjacent to Big Basin Way, is a one story 1,670 square feet commercial structure and is the location of the Mint Leaf Restaurant. This building will remain and only minor exterior changes are proposed.

The second building, located behind the Mint Leaf Restaurant and sharing a common wall, is a 1,964 square foot two story single-family residence. This building is proposed for removal. According to information supplied by the applicant, the building was originally constructed circa 1909-1915. The building has horizontal wood siding and wood windows. The front building was once operated as a grocery store and soda fountain and the residence was constructed behind it. The building has been owned by the applicant's family since the 1950's. A driveway located along the southerly property line provides vehicular access to the residence.

Project Background

November 30, 2011 - Study Session

The Commission initially reviewed the project during a November 30, 2011 Study Session. The Commission was generally in favor of the project and provided the following project related comments to the applicant:

- Relocate the trash containers to the rear of the courtyard and closer to the restaurant kitchen;
- Consider removing the decorative iron work from the top of the building;
- Increase the design integration of the new building with the Mint Leaf restaurant through the use of a matching exterior color and trim moulding;
- Consider painting a window or installing a faux window on the north building elevation.

February 8, 2012 – Public Hearing

The Commission most recently reviewed the project during the meeting of February 8, 2012 and continued the public hearing to the meeting of March 14, 2012. The Commission recommended to the applicant that the buildings architectural compatibility with adjacent buildings might be improved if the "Mission" style rounded parapet design in the northwestern corner of the building was redesigned to be a consistent with the "straight" parapet design of the remainder of the building. The applicant has submitted revised plans with the following design modifications:

- The design of the parapet on the northwest corner has been modified to be similar in appearance, height, and color as the parapet of the elevator shaft;
- The northwest corner of the building has been redesigned to include a tower element that has a similar design and color as the elevator shaft;
- The two circular arched windows in the northwest corner have been replaced with rectangular windows;
- The color of the window frames and trim for the proposed building and the trim of the existing restaurant have been changed to "off white".

PROJECT DATA

CH-1 Zoning Net Site Area: 3,939 square feet	Proposed	Allowable	Zoning Conformance
Site Coverage	3,100 SF (.80)	3,151 SF (.79)	Conforms
Setbacks Front (west) Left Side (north) Right Side (south) Rear (east)	0'-0" 0'-0" 0'-0" 0'-0"	0'-0" 0'-0" 0'-0" 0'-0"	Conforms Conforms Conforms Conforms
Building Height	35 Feet	35 Feet	Conforms
Total Project Floor Area Existing Restaurant Proposed Office Space Total	1,670 SF <u>3,994SF</u> 5,664 SF	CH-1 zone district does not have a maximum floor area limit	Conforms

Parking (per parking schedule SMC 15-35.060)		Spaces	Total
Office Use	3,994 net SF/1 space per 200 SF	20 spaces required	20
Restaurant Use (indoor dining)	1,670 net SF/1 space per 75 SF	22 spaces required and currently provided for in parking district	0
Restaurant Use (proposed outdoor dining)	200 net SF/1 space per 75 SF	3 spaces	3
Loading	Not required for office or restaurant use less than 5,000 SF in floor area	None Required	0
Required Project Parking		23 Spaces	20+3=23
Surplus Village Parking per temp. parking waiver [SMC 15-35.020(k)(3)]	Existing Surplus = 17,671 SF <u>Proposed Building = 3,087 SF*</u> Remaining Surplus = 14,584 SF *Difference between the new floor area and the existing floor area (3,994 SF – 907 SF = 3,087 SF)	NA	NA
Proposed Project Parking	23 Required Parking Spaces	None Required per Parking Surplus	None Required per Parking Surplus

Outdoor Courtyard/Dining Area

The existing driveway/alley between the restaurant and the Wells Fargo bank building would be remodeled into a landscaped courtyard. The existing iron gates near the sidewalk would be removed and the concrete driveway would be replaced with paving stones on top of a compacted gravel base. An outdoor dining area for the restaurant would be located in the courtyard and separated from the remainder of the courtyard by a six foot tall wooden fence. A proposed door in the outside wall of the restaurant would provide access to the outdoor dining area. The courtyard would be landscaped with shrubs and vines. A Japanese maple tree would be planted within the dining area. The courtyard would be illuminated by

lamps installed on the outside wall of the restaurant and in the ground. The courtyard would be separated from Big Basin Way by a stucco fence with decorative wrought iron details. The stucco wall would provide the courtyard a degree of privacy and physical separation from the street and would screen the view of the backflow preventer from Big Basin Way. A tube ribbon style bike rack with a five bicycle capacity would be located in the northwest corner of the courtyard.

Materials and Colors

The building would have a stucco exterior. The front elevation would have a three story glass and aluminum storefront with decorative wrought iron railing on the second and third story. A colors and materials board is available on file with the Community Development Department and will be present at the site visit and public hearing.

Detail	Colors and Materials	Mfg. & Specification #
Windows	Powder Coated Aluminum / Matte Black	Kawneer
Doors	Powder Coated Aluminum / Matte Black	Kawneer
Building Ext.	Stucco / Acorn Yellow Trim /Dove White	Benjamin Moore
Iron Details	Wrought Iron / Black	Custom Manufactured

Building Design

The proposed three story 35-foot tall office building would include a stucco exterior, decorative wrought iron details, and both arched and rectangular windows. The west side (front) of the building as viewed from Big Basin Way would have a three story glass and aluminum storefront with a decorative wrought iron railing on the second and third story to give the appearance of faux balconies. Only the third story of the left side of the front elevation would be visible from Big Basin Way as the lower two stories would be located behind the existing building. No wall openings are proposed for the other three elevations. A faux rectangular shaped window is proposed for the northern elevation that faces State Route #9. This faux window would provide visual interest to this otherwise blank wall and was a suggestion from the November 30, 2011 Planning Commission Study Session.

Parking

The project would not include off-street parking. In November 2007 and May 2008, comprehensive parking surveys were completed in the Village. The surveys showed that the Village's parking demand ranged anywhere from 40 percent to close to 100 percent. This number depended on the location of the parking spaces. At the time it was determined that 40,890 square feet of surplus floor area could be added in the Village without providing the required off-street parking. The following table shows the businesses that have utilized the parking waiver. Currently, approximately 17,671 square feet of surplus floor area remains. The off-street parking waiver will expire on February 28, 2012.

Description	Street No.	Street Name	Square Feet to be Deducted	Square Feet Remaining
Planet Juice	14410	Big Basin Way	960	40,890
Saratoga Cleaners	14993-95	Big Basin Way	2,270	38,620
S. Cloud Barn Basement	14630	Big Basin Way	1,561	37,059
Blue Rock Shoot Expansion	14523	Big Basin Way	1,616	35,443
Ristorante Da Mario	14441	Big Basin Way	175	35,268
Tollgate Mixed Use Bldg.	14639	Big Basin Way	3,628	31,640
Sam Cloud Addition	20640	Big Basin Way	3,798	27,842
The Daily Method - Exercise Studio	20605	3rd Street	1,134	26,708
The Inn at Saratoga	20645	4th Street	2,052	24,656
Tea's the Season / St. Stan's	14554	Big Basin Way	450	24,206
Cinnabar Outdoor Seating Area	14612	Big Basin Way	275	23,931
Spanish Immersion	14417	Big Basin Way	450	23,481
Belltower Bistro / Bakery	20490	Saratoga-Los Gatos	5,810	17,671
Proposed Office Building	14422	Big Basin Way	3,087	14,584

Energy Efficiency

The applicant submitted a list of the proposed projects green building features which would include the following:

- Replacing the existing concrete driveway with permeable pavers;
- Recycled content steel joists and studs;
- Engineered Lumber for beams and joists. Engineered Lumber, also called composite wood, man-made wood, or manufactured board (often referred to as Oriented Strand Board, or OSB); includes a range of derivative wood products which are manufactured by binding the strands, particles, fibers, or veneers of wood, together with adhesives, to form composite materials. These products are engineered to precise design specifications which are tested to meet national or international standards;
- High efficiency HVAC systems.
- Low-Volatile Organic Compounds interior paints, coatings, caulks, adhesives, and sealants. Volatile organic compounds (VOCs) are emitted as gases from certain solids or liquids;

A complete list of the projects sustainability measured is included as Attachment #2.

Saratoga Village Design Guidelines

The Saratoga Village Design Guidelines (Guidelines) were adopted by City Council in 1991 to implement the design polices of the Saratoga Village Plan. A goal of the Guidelines is to create usable, attractive pedestrian open spaces wherever possible. The Guidelines identifies specific Opportunity Sites for special design consideration. A category of these Opportunity Sites is identified as “Nooks and Crannies” (see page 35 of the Guidelines) and identifies the existing open area between the Mint Leaf restaurant and Wells Fargo bank as Village Rendezvous Alley. The Guidelines state that this alley can be improved by “screening the trash dumpster and providing landscaping.” The proposed improvements to

this alley as part of the proposed project would implement the vision of the Guidelines as improving pedestrian spaces.

Design Review Findings

The proposed project is consistent with all the following Design Review findings for Multi-Family and Commercial Structures as stated in Saratoga Municipal Code Section 15-46.040:

(a) Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances. The project meets this finding in that the existing Mint Leaf Restaurant building located on site will be painted and new roof mouldings installed to match the proposed new building. The landscaped interior courtyard will be utilized by both buildings and will help to integrate both the restaurant and office uses. This finding can be made in the affirmative.

(b) Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance. The project meets this finding in that the existing wall and window signs for the Mint Leaf Restaurant will be the only advertising signs on site and these signs have a compatible design. The proposed project would have an address sign on the wall facing the sidewalk that which would include the street address and tenant list. This finding can be made in the affirmative.

(c) Landscaping shall integrate and accommodate existing trees and vegetation to be preserved; it shall make use of water-conserving plants, materials and irrigation systems to the maximum extent feasible; and, to the maximum extent feasible, it shall be clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced. The project meets this finding in that there is no existing vegetation on site to be preserved, minimal landscaping is proposed for the courtyard and would have an irrigation system, and the primary purpose of the small amount of landscaping would be clustered to screen views of the utility meters and the backflow preventer. This finding can be made in the affirmative.

(d) Colors of wall and roofing materials shall blend with the natural landscape and be non-reflective. The project meets this finding in that there is no existing natural landscaping on site for the project to blend with, the project features a flat roof that is not visible from the street, and the proposed exterior colors would have a low Light Reflectivity Value (LRV). This finding can be made in the affirmative.

(e) Roofing materials shall be wood shingles, wood shakes, tile, or other materials such as composition as approved by the Planning Commission. No mechanical equipment shall be located upon a roof unless it is appropriately screened. The project meets this finding in that the project will have composition roofing materials, no HVAC mechanical equipment would be located on the roof, and the only mechanical equipment that extends above the parapet would be the elevator which has been integrated into the design of the building. This finding can be made in the affirmative.

(f) The proposed development shall be compatible in terms of height, bulk and design with other structures in the immediate area. The project meets this finding in that there are buildings of similar height located in the Village, the building is setback 61 feet from Big Basin Way which would reduce the impression of bulk as viewed from the street and the proposed exterior materials and architectural style would be similar to other buildings in the Village such as the Saratoga Fire Station.

Neighbor Correspondence and Public Outreach

On May 13, 2011, the applicant mailed a letter of project introduction/description and a reduced sized set of plans to both the property owners and occupants of adjacent properties. A copy of the mailing list and neighbor review materials is included as Attachment #3. The applicant also posted on YouTube a copy of the development plans and an animated video fly-through of the project for the mailing list to review. On June 14, 2011 the applicant sent a follow-up postcard to the mailing list in another attempt to solicit comments. The applicant received only one project related comment which was from a neighboring property owner at 14421 Big Basin Way (The Bank) with concerns about any a possible lengthy construction period and their hope that the project would be constructed in a “timely” manner. The video posted on YouTube can be viewed at the following web address: <http://www.youtube.com/watch?v=pwjHWib2BqA>

Staff sent a “Notice of Public Hearing” for the February 8, 2012 meeting to all property owners within 500 feet of the subject property. The public hearing notice and description of the project was published in the Saratoga News. No public comments, either positive or negative, have been received. The Planning Commission continued the public hearing to a date certain (March 14, 2012) so no additional public noticing was required.

Historic Preservation Commission

The Historic Preservation Commission (HPC) reviewed the historic significance of the existing residence on September 13, 2011. The HPC unanimously agreed that the building would not qualify as a Historic Resource and agreed that it could be removed.

ENVIRONMENTAL DETERMINATION: The proposal is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant Section 15332, “In-Fill Development Projects”, of the Public Resources Code (CEQA).

Staff Recommendation

Staff recommends the Planning Commission adopt Resolution 12-002 approving Design Review PDR11-0021 subject to conditions of approval.

ATTACHMENTS:

1. Resolution
2. Green Building Features (prepared by applicant)
3. Neighbor Notification Forms and Public Outreach Materials (submitted by applicant)
4. Public hearing notice.
5. Copy of building elevations reviewed during the February 8, 2012 Planning Commission meeting.
6. Reduced Plans (Exhibit A).

RESOLUTION NO: 12-002

**A RESOLUTION OF THE CITY OF SARATOGA PLANNING COMMISSION
APPROVING DESIGN REVIEW PDR11-0021
LOCATED AT 14422 BIG BASIN WAY**

WHEREAS, on July 28, 2011, an application was submitted by MBA Architects on behalf of Dr. Susan Klear requesting Design Review approval to construct a new 35-foot tall three story office building at 14422 Big Basin way. The project has a total floor area of 3,994 square feet. The site is located within the CH-1 Zoning District (APN 517-09-017).

WHEREAS, the Community Development Department completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt.

WHEREAS, on February 8, 2012, the Planning Commission held a duly noticed public hearing on the subject application, continued the public hearing to the meeting of March 14, 2012, and considered evidence presented by City Staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Saratoga hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 C.C.R. Section 15332, "In-Fill Development Projects", of the Public Resources Code.

Section 3: The project is consistent with the following Saratoga General Plan Goals and Policies: Land Use Goal 13 which provides that the City shall use the Design Review process to assure that the new construction and major additions thereto are compatible with the site and the adjacent surroundings; and Conservation Element Policy 6.0 which provides that the City shall protect the existing rural atmosphere of Saratoga by carefully considering the visual impact of new development; Policy LU2.1 which states that non-residential development shall be confined to sites presently designated on the General Plan Map for non-residential uses; and Goal LU 12.1 and Policy LU 12.1 which states the importance of protecting the City's historic and cultural resources and enhancing the visual character of the City by encouraging compatibility of architectural styles that reflect established architectural traditions.

Section 4: The project is consistent with the Saratoga Village Design Guidelines with the goal to create usable, attractive pedestrian open spaces wherever possible. The proposed improvements to this alley as part of the proposed project would implement the vision of the Guidelines as improving pedestrian spaces.

Section 5: The project is consistent with the Saratoga City Code in that the design and improvements are consistent with the design review findings in that the project and landscaping will

be harmonious with other buildings on the same site; the site signage will have a compatible design theme; existing landscaping will be preserved and proposed landscaping will feature water-conserving plants with an irrigation system; the exterior colors will blend with the natural landscape and be non-reflective; roofing materials shall be composition and not HVAC equipment will be located on the roof, and the development will be compatible in terms of height, bulk and design with other structures in the immediate area.

Section 6: The City of Saratoga Planning Commission hereby approves PDR11-0021 located at 14422 Big Basin Way, subject to the Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED by the City of Saratoga Planning Commission on this 14th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas R. Robertson
Chair, Planning Commission

Exhibit 1

**CONDITIONS OF APPROVAL
PDR11-0021 22551 Big Basin Way
(APN 517-09-017)**

A. GENERAL

1. All conditions below which are identified as permanent or for which an alternative period of time for applicability is specified shall run with the land and apply to the landowner's successors in interest for such time period. No zoning clearance, or demolition, grading for this project shall be issued until proof is filed with the city that a certificate of approval documenting all applicable permanent or other term-specified conditions has been recorded by the applicant with the Santa Clara County Recorder's office in form and content to the Community Development Director.
2. If a condition is not "Permanent" or does not have a term specified, it shall remain in effect until the issuance by the City of Saratoga of a Certificate of Occupancy or its equivalent.
3. Conditions may be modified only by the Planning Commission unless modification is expressly otherwise allowed by the City Code including but not limited to Sections 15-80.120 and/or 16-05.035, as applicable.
4. The City shall mail to the Owner and Applicant a notice in writing, on or after the time the Resolution granting this Approval is duly executed containing a statement of all amounts due to the City in connection with this application, including all consultant fees (collectively "processing fees"). **THIS APPROVAL OR PERMIT SHALL EXPIRE SIXTY (60) DAYS AFTER THE DATE SAID NOTICE IS MAILED IF ALL PROCESSING FEES CONTAINED IN THE NOTICE HAVE NOT BEEN PAID IN FULL.** No Zoning Clearance or Demolition, Grading, or Building Permit may be issued until the Community Development Director certifies that all processing fees have been paid in full (and, for deposit accounts, a surplus balance of \$500 is maintained).
5. A Building Permit must be issued and construction commenced within 24 months the date of adoption of this Resolution or the Design Review Approval will expire unless extended in accordance with City Code Section 15-46.050.
6. The Project shall maintain compliance with all applicable regulations of the State, County, City and/or other governmental agencies having jurisdiction including, without limitation, the requirements of the Saratoga Zoning Regulations incorporated herein by this reference.
7. Prior to issuance of any Demolition, Grading, or Building Permit to implement this Design Review Approval the Owner or Applicant shall obtain a "Zoning Clearance" from the Community Development Director by submitting final plans for the requested permit to the Community Development Department for review to ascertain compliance with the requirements of this Resolution.

8. As a condition of this Approval, Owner and Applicant hereby agree to defend, indemnify and hold the City and its officers, officials, boards, commissions, employees, agents and volunteers harmless from and against:
 - a. any and all claims, actions or proceedings to attack, set aside, void or annul any action on the subject application, or any of the proceedings, acts or determinations taken, done or made prior to said action; and
 - b. any and all claims, demands, actions, expenses or liabilities arising from or in any manner relating to the performance of such construction, installation, alteration or grading work by the Owner and/or Applicant, their successors, or by any person acting on their behalf.

In addition, prior to any Zoning Clearance from the Community Development Director, Owner and Applicant shall execute a separate agreement containing the details of this required Agreement to Indemnify, Hold Harmless and Defend, which shall be subject to prior approval as to form and content by the City Attorney.

B. COMMUNITY DEVELOPMENT

9. Compliance with Plans. The development shall be located and constructed to include those features, and only those features, as shown on the Approved Plans dated February 27, 2012 denominated Exhibit "A". All proposed changes to the Approved Plans must be submitted in writing with plans showing the changes, including a clouded set of plans highlighting the changes. Such changes shall be subject to approval in accordance with Condition A.3, above.
10. All building exterior lighting shall be on a timer or motion detector to ensure that the lights do not remain on during the evening when the building is not in use. Prior to building permit issuance, the Applicant shall submit a final exterior lighting plan that complies with Section 15-35.040(i) of the Zoning Ordinance. Specifically, the plan shall indicate that no exterior lighting fixtures shall allow direct light rays to leave the project site, or allow direct light sources (incandescent, fluorescent, or other forms of electric illumination) to be directly visible from off-site locations. The plan shall also show that light levels will not exceed 100 foot lamberts anywhere on the property. The plan shall be subject to review and approval by the Planning Division of the Community Development Department prior to building permit issuance
11. Landscape installation and replacement for screening or ornamentation. A landscaped area required as a condition of any Design Review Approval shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be replaced as needed to screen or ornament the site.
12. Landscape maintenance. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained by the Owner as may be prescribed by the Community Development Department;
13. Plumbing. All plumbing fixtures or irrigation systems shall be water conserving and otherwise comply with City Code Section 16-75.030.

14. Construction truck routes. Construction trucks shall only use designated truck routes.
- 16 Noise limitations during construction. Commercial construction, alteration or repair activities which are authorized by a valid City permit, or do not require the issuance of a City permit, may be conducted only between the hours of 7:30 A.M. and 6:00 P.M. Monday through Friday. Commercial construction shall be prohibited on Saturday, Sunday, and other holidays. A notice of applicable construction hour restrictions shall be posted conspicuously on site at all times for all exterior commercial construction activity requiring a City permit.
17. Construction and Demolition Debris Recycling Plan. Because this Design Review Approval authorizes a construction, remodeling, or demolition project affecting more than two thousand five hundred square feet of floor space the Applicant is required to provide to the Building Official a construction and demolition debris recycling plan prior to the issuance of any Demolition, Grading or Building Permit.
18. Maintenance of Construction Project Sites. Because this Design Review Approval authorizes a project which requires a Building Permit, compliance with City Code Section 16-75.050 governing maintenance of construction project sites is required.
19. Stormwater. Disposition and treatment of stormwater shall comply with the applicable requirements of the National Pollution Discharge Elimination System ("NPDES") Permit issued to the City of Saratoga and the implementation standards established by the Santa Clara Valley Urban Runoff Pollution Prevention Program (collectively the "NPDES Permit Standards"). Prior to issuance of Zoning Clearance for a Demolition, Grading or Building Permit for this Project, a Stormwater Detention Plan shall be submitted to the Community Development Director for review and approval demonstrating how all storm water will be detained on-site and in compliance with the NPDES Permit Standards. If not all stormwater can be detained on-site due to topographic, soils or other constraints, and if complete detention is not otherwise required by the NPDES Permit Standards, the Project shall be designed to detain on-site the maximum reasonably feasible amount of stormwater and to direct all excess stormwater away from adjoining property and toward stormwater drains, drainageways, streets or road right-of- ways and otherwise comply with the NPDES Permit Standards and applicable City Codes.
20. Building Division Submittal. Four (4) sets of complete construction plans shall be submitted to the Building Division. These plans shall be subject to review and approval by the Community Development Department Director or designee prior to issuance of Zoning Clearance. The construction plans shall, at a minimum include the following:
 - a. Architectural drawings and other plan sheets consistent with those identified as Exhibit "A" on file with the Community Development Department and referenced in Condition No. B.1 above;
 - b. The site plan shall contain a note with the following language: "Prior to foundation inspection by the City, the Licensed Land Surveyor of record shall provide a written certification that all building setbacks comply with the Approved Plans," which note shall represent a condition which must be satisfied to remain in compliance with this Design Review Approval;
 - c. This signed and dated Resolution printed onto separate construction plan pages;

- d. A boundary survey, wet-stamped and wet-signed by a Licensed Land Surveyor or Civil Engineer authorized to practice land surveying. The stamp shall reflect a current license for the land surveyor/engineer, the document shall be labeled "Boundary Survey," and the document shall not contain any disclaimers;
- e. All additional drawings, plans, maps, reports, and/or materials required by the Building Division.

21. Staff shall not approve downgrading to the exterior appearance of the approved project. Downgrades may include, but are not limited to architectural detailing or similar items. Any exterior changes to approved plans resulting in a downgrade shall require filing an additional application and fees for review by the Planning Commission as a modification to approved plans. Any other exterior changes to the approved plans, which are not deemed a downgrade by staff, shall require approval in compliance with condition A.3 above.

C. PUBLIC WORKS

22. Public Works Department. The applicant (owner) shall replace existing driveway approach and sidewalk at the property frontage on Big Basin Way. Applicant (owner) shall obtain an encroachment permit for any and all improvements in the City right-of-way or City easement prior to commencement of the work to implement this Design Review.

D. FIRE SAFETY OR FIRE AGENCY REQUIREMENTS

23. Fire Agency Conditions. Applicant shall comply with all Fire Agency conditions.

27 July, 2011



1176 LINCOLN AVENUE, SAN JOSE, CA 95125
408/297-0288 FAX 408/297-0384 EMAIL: maia@mba-architects.net

Memo

Job No. **1041**

To: City of Saratoga Planning Dept: Mike Fossetti
From: Maia Gendreau, AIA, CSI, CDT
CC: Robert Davis and Dr. Susan Klear
Re: 14422 Big Basin Way, Proposed Green Building features.

To whom it may concern:

Green Building features we are considering for the new structure at 14422 Big Basin Way include:

SITE: replace the existing concrete drive with pervious paving.

Add plants including a tree.

STRUCTURAL FRAME and BUILDING ENVELOPE:

Recycled content steel joists and studs.

Recycled content Concrete Masonry Units.

Use of engineered lumber for beams and joists.

Designed headers for openings.

Dual glazed windows.

CRRC rated cool roof.

Durable and Noncombustible siding and materials will be used.

PLUMBING:

Low flow plumbing fixtures and on-demand hot water heating.

HVAC:

Design and install in accordance with ACCA Manual J.

High efficiency air conditioning with environmentally responsible refrigerants.

Use of energy star rated equipment.

- 1041-memo-110727.docx

Finishes/ Indoor Air Quality:

Low VOC interior paints.

Low VOC water based wood finishes.

Low VOC caulk and adhesives.

Reduce Formaldehyde in carpets, stair treads, cabinets and countertop, interior trim.

Energy Use: the building will perform a minimum of 15% above Title 24 requirements.

Lighting controls will be occupancy sensor based.

We will consider the use of photo-cells and daylight harvesting on floors 2 and 3.

HVAC equipment will be high-efficiency, energy star rated equipment.

END OF MEMO.

13 May 2011
1041

Dear Neighbor:

This letter is to inform you of a project proposed in your neighborhood in the City of Saratoga.

The Owners of the property at 14422 Big Basin Way, Dr. Susan Klear and Robert Davis, wish to remove the existing residence that is behind the existing Mint Leaf restaurant and replace it with a new office building. The new office building will provide office space for the Owners, Dr Susan Klear and Robert Davis, to operate their respective businesses. The existing Fresh Mint restaurant will remain. The restaurant is located on the same site in a separate building.

The building is proposed to be Mediterranean style, with a stucco exterior, ceramic tile and wrought iron details. It has windows onto the side facing Big Basin Way only. As a part of the project, a gateway with a fence and signage, and an outdoor patio will be constructed. The trash dumpster and utilities will be screened in small enclosures. A new tree and landscaping along the existing concrete masonry block wall at the existing Wells Fargo Bank will be planted.

This project will be submitted to the City of Saratoga for Design Review at the Planning Department. As a part of the planning process, the City offers the Owners and neighbors of adjacent properties the opportunity to comment on the plans. MBA Architects has uploaded the plans and a fly-through 3D animation onto YouTube to facilitate this. You can view the plans online by:

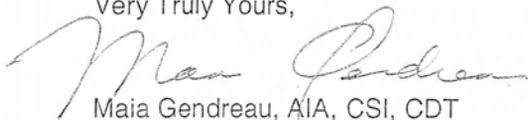
1. Go to www.YouTube.com
2. Search "KLEAR OFFICE BUILDING"

The video will pop up, it is just over a minute long.

When you have completed viewing the plans, please fill out and sign the attached "Neighborhood Notification Form" and mail it back to the address on the outside of the form.

Thanks so much, we look forward to hearing your comments: If you have problems viewing the website, or wish to make comments to us verbally, please call MBA Architects, and ask to speak with Maia Gendreau.

Very Truly Yours,



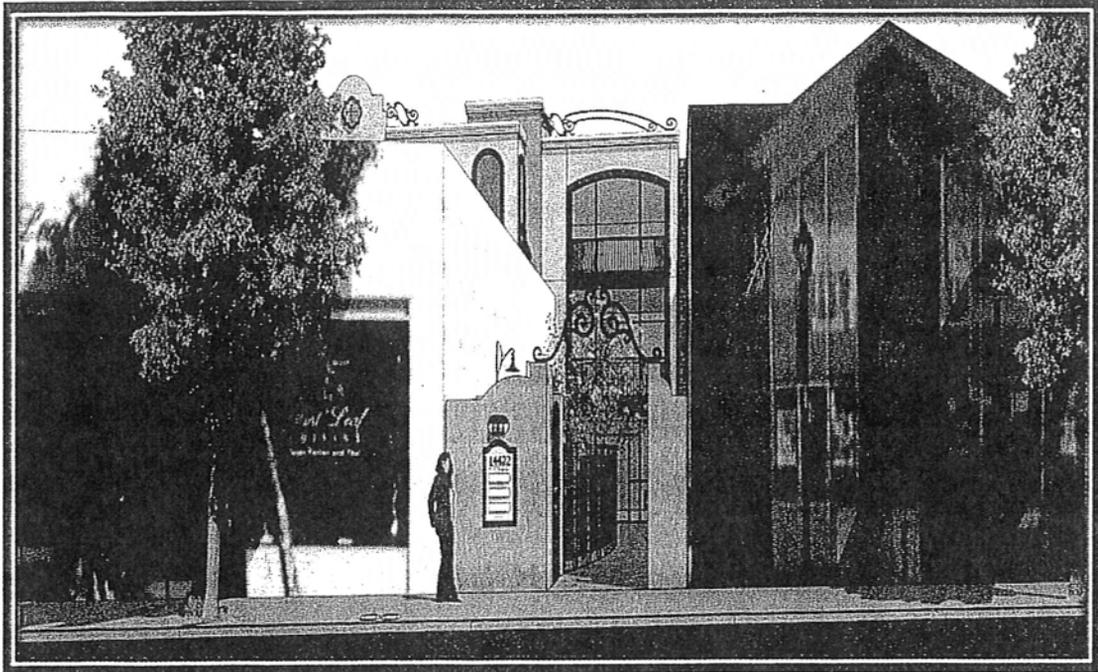
Maia Gendreau, AIA, CSI, CDT

Architect

Encl.

ARCHITECTS

MBA
WWW.MBA-ARCHITECTS.NET



Dear Neighbor:

Your neighbors are planning a construction project in downtown Saratoga. As part of the City process, we are seeking your input. On or around May 14, 2011 you received a letter regarding this proposed project and enclosed were the following:

- Preliminary plans
- Neighborhood Notification Form

Additionally, the letter referred you to www.YouTube.com – Search “KLEAR OFFICE BUILDING” for a fly-through 3D animation of the proposed project.

The City of Saratoga has asked that the Neighbor Notification Form be signed by each neighbor to indicate that they have had an opportunity to review the proposed project.

If you could take a minute to have a look and see what your neighbors are planning we would greatly appreciate it. We look forward to hearing from you.

For questions contact Maia Gendreau at MBA Architects – (408) 297-0288 ext. 14.

MAILING LIST

Date of Initial Mailing: May 13, 2011

Date of Follow-up Postcard Mailing: June 14, 2011

OWNERS	Response	CURRENT OCCUPANTS	Response
Bloxham Family LP 4010 Moorpark Avenue, #111 San Jose, CA 95117-1804 (Parcel No. 503 24 058)		Current Occupant 14413 Big Basin Way Saratoga, CA 95070-6008 (Parcel No. 503 24 058)	
Aryia LLC 30 Oak Grove Avenue Los Gatos, CA 95030-7021 (Parcel No. 503 24 054)		Current Occupant 14425 Big Basin Way Saratoga, CA 95070-6064 (Parcel No. 503 24 054)	Package returned 5/24/11 insufficient address
Louella Sullivan 20570 Canyon View Drive Saratoga, CA 95070-5876 (Parcel No. 503 24 059)		Current Occupant 14421 Big Basin Way Saratoga, CA 95070-6008 (Parcel No. 503 24 059)	Received 5/18/11 - only concern is long const. period.
Frank Burrell III 4010 Moorpark Avenue, #111 San Jose, CA 95117-1804 (Parcel No. 517 09 046)		Current Occupant 14428 Big Basin Way Saratoga, CA 95070-6010 (Parcel No. 517 09 046)	
Frank Burrell III 4010 Moorpark Avenue, #111 San Jose, CA 95117-1804 (Parcel No. 517 09 047)		Current Occupant 14428 Big Basin Way Saratoga, CA 95070-6010 (Parcel No. 517 09 047)	
Atoga LLC & Ebrahim & Mojg Hieka 4367 Clear Valley Drive Encino, CA 91436-3317 (Parcel No. 517 09 089)		Current Occupant 20506 Saratoga Los Gatos Road Saratoga, CA 95070 (Parcel No. 517 09 089)	Package returned 5/24/11 - no such number

City of Saratoga
Neighbor Notification Form

MAY 1 2011

Applicant Name: SUSAN KLEBAR + ROBERT Date: 5/12/2011

Project Address: 14421 BIG BASIN WAY Application Number: _____
SARATOGA, CA

Dear Neighbor,

I am proposing a project at the above address and would like to provide you with an opportunity to review the proposal and provide comments. All of the adjacent neighbors and the neighbors across the street from the property are being provided this notice as a courtesy in advance of the standard City Notice which will be sent out prior to a decision being made on the project.

The City of Saratoga asks that this form be signed by each neighbor to indicate that they have had an opportunity to review the proposal. Please familiarize yourself with the proposed plans.

NOTE: These plans are PRELIMINARY ONLY and may change as the project moves forward. You may contact the City of Saratoga's Planning Division at any time to review any changes that may occur. Please contact the City of Saratoga at 408-868-1222 to speak with the assigned project planner.

My signature below certifies that I am aware of the proposal and have reviewed the plans.

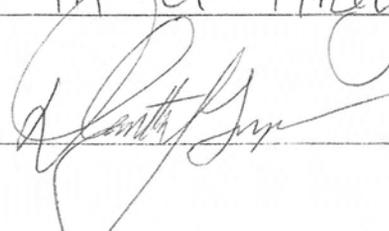
Neighbor Name: The Bank / Donnette Teeple Date: 5-16-11

Neighbor Address: 14421 Big Basin Way

Neighbor Phone #: 4084837252 Email: Kir + Teeple @ MSN

Please address any initial concerns with the project below (attach additional sheets if necessary):

our only concern is a long construction
period. we would hope the project will be
finished in a timely manner. Thank you!

SIGNATURE:  5-16-11

Revised September 2008

CITY OF SARATOGA
Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070
(408) 868-1222

NOTICE OF PUBLIC HEARING

The City of Saratoga's Planning Commission announces the following public hearing on:

Wednesday, the 8th day of February, 2012 at 7:00 p.m.

The public hearing will be held in the City Hall Theater located at 13777 Fruitvale Avenue. The public hearing agenda item is stated below. Details of this item are available at the Saratoga Community Development Department, Monday through Friday 7:30 a.m. – 5:00 p.m. Please consult the City website at www.saratoga.ca.us regarding Friday office closures.

APPLICANT/OWNER: MBA Architects (APPLICANT)/ Susan Klear (OWNER)

APN: 517-09-017

DESCRIPTION: The applicant is requesting approval of a Design Review application to construct a 3,994 square foot, 35-foot tall three story office building located at 14422 Big Basin Way behind the Mint Leaf Restaurant. The existing two story single family home will be removed. The existing driveway/alley would be remodeled into a landscape courtyard to include an outdoor dining area for the Mint Leaf Restaurant.

All interested persons may appear and be heard at the above time and place. If you challenge a decision of the Planning Commission pursuant to a Public Hearing in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing. In order for information to be included in the Planning Commission's information packets, written communications should be filed on or before **Wednesday, February 1, 2012**.

This notice has been sent to all owners of property within 500 feet of the project that is the subject of this notice. The City uses the official roll produced by the County Assessor's office annually, in preparing its notice mailing lists. In some cases, out-of-date information or difficulties with the U.S. Postal Service may result in notices not being delivered to all residents potentially affected by a project. If you believe that your neighbors would be interested in the project described in this notice, we encourage you to provide them with a copy of this notice. This will ensure that everyone in your Community has as much information as possible concerning this project.

Christopher Alan Riordan, AICP
Senior Planner
(408) 868-1235

City of Saratoga
Radius Notification Parcel Report

Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
51710012	20450 SARATOGA-LOS GATOS RD	CITY OF SARTOGA- HISTORICAL MU	13777 FRUITVALE AVE	SARATOGA, CA 95070
39722011	20465 SARATOGA-LOS GATOS RD	COX FLORA M TRUSTEE & ET AL	1146 TELFER AV	SAN JOSE, CA 95125
39722018	SARATOGA-LOS GATOS RD	SARATOGA CITY OF	SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
39722020	SARATOGA-LOS GATOS RD	CALIFORNIA STATE OF	SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
39722021	SARATOGA AV	SARATOGA FEDERATED CHURCH INC	14370 SARATOGA AV	SARATOGA, CA 95070
39722023	1 PARK PL	SARATOGA FEDERATED CHURCH	20390 PARK PL	SARATOGA, CA 95070
39722044	20390 PARK PL	SARATOGA FEDERATED CHURCH	14370 SARATOGA AV	SARATOGA, CA 95070
39722045	14370 SARATOGA AV	OSTROWSKI JOHN L AND M. CLAIRE	12750 IONE CT	SARATOGA, CA 95070
39722066	14376 SARATOGA AV	UNITED STATES POSTAL SERV	395 OYSTER POINT BL UNIT 225	SOUTH SAN FRANCISCO, CA 94080
39722067	SARATOGA-LOS GATOS RD	SARATOGA FIRE DIST SCC	P.O.BOX 279	MOUNTAIN VIEW, CA 94042
39722068	SARATOGA-LOS GATOS RD	SARATOGA FIRE DIST OF SC COUNT	20473 SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
39722069	20473 SARATOGA-LOS GATOS RD	SARATOGA FIRE DIST OF SC COUNT	20473 SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
39731011	14375 SARATOGA AV	G & G MCCANDLESS PROPS LLC	P.O. BOX 1962	LOS ALTOS, CA 94023
39731020	14395 SARATOGA AV	ENGINEERING INFORMATION SYSTEM	14395 Saratoga Avenue, Suite 2	SARATOGA, CA 95071
50323027	20550 BROOKWOOD LN	HIGGINS WILLIAM L AND VIRGINIA	20550 BROOKWOOD LN	SARATOGA, CA 95070
50323028	BROOKWOOD LN	Higgins Virginia	20550 BROOKWOOD LN	SARATOGA, CA 95070
50323029	20510 BROOKWOOD LN	JACOBS HUGH A AND GLORIA M TRU	20510 BROOKWOOD LN	SARATOGA, CA 95070
50323052	20620 BROOKWOOD LN	BROCKETT PATRICK J TRUSTEE	20620 BROOKWOOD LN	SARATOGA, CA 95070
50323053	20616 BROOKWOOD LN	JOHNSTON DAVID S	20616 BROOKWOOD LN	SARATOGA, CA 95070
50324008	14445 BIG BASIN WY	CANCELLIERI ROBERT AND SHIRLEY	14860 CODY LN	SARATOGA, CA 95070
50324009	14445 BIG BASIN WY	CANCELLIERI ROBERT AND SHIRLEY	14860 CODY LN	SARATOGA, CA 95070
50324034	BIG BASIN WY	COMCAST	3055 COMCAST PL	LIVERMORE, CA 94551
50324036	4TH ST	SARATOGA CITY OF	4TH ST	SARATOGA, CA 95070
50324046	20645 4TH ST	INN AT SARATOGA, INC.	20645 4TH ST	SARATOGA, CA 95070
50324047	4TH ST	SARATOGA CITY OF	4TH ST	SARATOGA, CA 95070
50324049	14457 BIG BASIN WY	PAYNE GEORGE M TRUSTEE	15940 ROCHIN TR	LOS GATOS, CA 95032
50324050	14453 BIG BASIN WY	PAYNE GEORGE M TRUSTEE	15940 ROCHIN TR	LOS GATOS, CA 95032
50324051	14443 BIG BASIN WY	CASABONNE YVES G AND ANNETTE E P O BOX 247		EL VERANO, CA 95433
50324054	14425 BIG BASIN WY	JARRAMI TONY A AND JULIET C	30 OAK GROVE AV	LOS GATOS, CA 95030
50324057	14411 BIG BASIN WY	US BANK	14411 BIG BASIN WAY	SARATOGA, CA 95070
50324059	14421 BIG BASIN WY	SULLIVAN L M AND LOUELLA M TRU	20570 CANYON VIEW DR	SARATOGA, CA 95070
50324060	BIG BASIN WY	BLOXHAM FAMILY LP	14415 BIG BASIN WY	SARATOGA, CA 95070

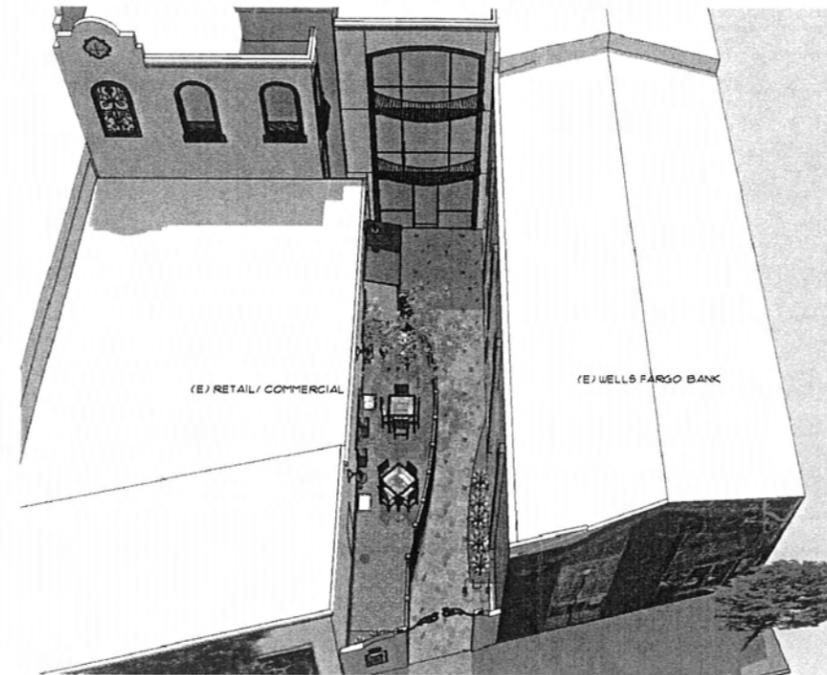
Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
50324061	BIG BASIN WY	BLOXHAM FAMILY LP	14415 BIG BASIN WY	SARATOGA, CA 95070
50324062	14477 BIG BASIN WY	WALLACE BERNARD A	P O BOX 1060	BYRON, CA 94514
50324063	14487 BIG BASIN WY	MINTEGUI	14487 BIG BASIN WAY	SARATOGA, CA 95070
50324064	14493 BIG BASIN WY	LEE SOO G	1139 S DE ANZA BL	SAN JOSE, CA 95129
50324066	14467 BIG BASIN WY	MASEK JOSEPH C AND MICHELLE	14467 BIG BASIN WY	SARATOGA, CA 95070
50324067	14471 BIG BASIN WY	ROSENFELD JAMES I AND ARLENE H	14219 OKANOGAN DR	SARATOGA, CA 95070
50324078	14401 BIG BASIN WY	CUNNINGHAM SUSAN K	P O BOX 2230	CUPERTINO, CA 95015
50324079	14407 BIG BASIN WY	CUNNINGHAM DENNIS M	P O BOX 7	SARATOGA, CA 95071
51709011	14486 BIG BASIN WY	HOLM CARL W TRUSTEE & ET AL	1 GOODWIN CT	REDWOOD CITY, CA 94061
51709012	14480 BIG BASIN WY	FORMICO MARTE	14456 SOBEY ROAD	SARATOGA, CA 95070
51709013	14476 BIG BASIN WY	BK OF AMER N T AND S A	P O BOX 2818	ALPHARETTA, GA 30023
51709014	14456 BIG BASIN WY	BURRELL FRANK L III TRUSTEE	4010 MOORPARK AV STE 111	SAN JOSE, CA 95117
51709015	14440 BIG BASIN WY	BURRELL FRANK L III TRUSTEE	4010 MOORPARK AV STE 111	SAN JOSE, CA 95117
51709017	14420 BIG BASIN WY	KLEAR ELIZABETH P TRUSTEE	20387 THELMA AV	SARATOGA, CA 95070
51709018	14410 BIG BASIN WY	ATOGA LLC, ET AL	4367 CLEAR VALLEY DR	ENCINO, CA 91436
51709020	20514 SARATOGA-LOS GATOS RD	ELLENKIOTIS ANTHONY J AND GEO	14451 CHESTER AV	SARATOGA, CA 95070
51709021	20490 SARATOGA-LOS GATOS RD	KHAZEN MAHNAZ	20490 SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
51709024	14493 OAK ST	SORENSEN DAVID L	14493 OAK ST	SARATOGA, CA 95070
51709025	14501 OAK ST	SALEHIEH JAVID J	14501 OAK ST	SARATOGA, CA 95070
51709026	14505 OAK ST	RICK RATRA	14505 Oak Street	SARATOGA, CA 95070
51709027	14515 OAK ST	LUONG THANH CONG	14515 OAK ST	SARATOGA, CA 95070
51709042	20472 SARATOGA-LOS GATOS RD	KIM JOUNG S AND YOUNG H TRUSTE	7221 SILVER LODGE LN	SAN JOSE, CA 95120
51709043	14416 BIG BASIN WY	ATOGA LLC ET AL	4367 CLEAR VALLEY DR	ENCINO, CA 91436
51709044	20506 SARATOGA-LOS GATOS RD	ATOGA LLC	4367 CLEAR VALLEY DR	ENCINO, CA 91436
51709046	14428 BIG BASIN WY	BURRELL FRANK L III TRUSTEE	4010 MOORPARK AV STE 111	SAN JOSE, CA 95117
51709047	14428 BIG BASIN WY	BURRELL FRANK L III TRUSTEE	4010 MOORPARK AV STE 111	SAN JOSE, CA 95117
51709063	14467 OAK ST	DALTON PETER J AND PAT	14467 OAK ST	SARATOGA, CA 95070
51709064	14465 OAK ST	MICHELI STEVEN L AND FRANCIS C	14465 OAK ST	SARATOGA, CA 95070
51709065	14463 OAK ST	MC KIBBEN TED JR AND PEGGY L	14463 OAK ST	SARATOGA, CA 95070
51709066	14461 OAK ST	BUSSE ROBERT K AND LISA C	14461 OAK ST	SARATOGA, CA 95070
51710004	14524 OAK ST	SAGARCHI SALIM	14524 OAK ST APT 1	SARATOGA, CA 95070
51710006	14516 OAK ST	HELM RONNIE L	14516 OAK ST	SARATOGA, CA 95070
51710007	14510 OAK ST	ESPINOSA GARY H AND DIANAGAY J	14510 OAK ST	SARATOGA, CA 95070
51710008	14500 OAK ST	ALLEN JOHN N AND MATHEWS-ALLEN	14500 OAK ST	SARATOGA, CA 95070
51710009	14488 OAK ST	OUR LADY FATIMA VILLA INC	20400 SARATOGA/LOS GATOS RD	SARATOGA, CA 95070

Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
51710011	14414 OAK ST	SARATOGA LODGE NO FOUR TWO EIG P O BOX 54		SARATOGA, CA 95071
51710015	20400 SARATOGA-LOS GATOS RD	OUR LADY OF FATIMA VILLA INC	20400 SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
51710034	14434 OAK ST	OUR LADY FATIMA VILLA	20400 SARATOGA-LOS GATOS RD	SARATOGA, CA 95070
51734001	14531 OAK ST	GRABLE TRUDY LYNN M TRUSTEE	1238 CORDELIA AV	SAN JOSE, CA 95129
51734002	14535 OAK ST	BARDHAN PRASENJIT	1648 MARIPOSA AV	PALO ALTO, CA 94306
51734008	14525 OAK ST	SPLAWN DAVID J AND ERIKSSON-SP	14525 OAK ST UNIT H	SARATOGA, CA 95070
50324058	14413 BIG BASIN WY	BLOXHAM FAMILY LP	4010 MOORPARK AV STE 111	SAN JOSE, CA 95117
50324058	14419 BIG BASIN WY			
51709011	14486 BIG BASIN WY	HOLM CARL W TRUSTEE & ET AL	1 GOODWIN CT	REDWOOD CITY, CA 94061
51709011	20603 THIRD STREET	HOLM CARL W TRUSTEE & ET AL	1 GOODWIN CT	REDWOOD CITY, CA 94061
50324008	14441 BIG BASIN WY	CANCELLIERI ROBERT AND SHIRLEY	14860 CODY LN	SARATOGA, CA 95070
50324054	14429 BIG BASIN WY	JARRAMI TONY A AND JULIET C	30 OAK GROVE AV	LOS GATOS, CA 95030
51709012	14482 BIG BASIN WY	FORMICO MARTE	14456 SOBEY ROAD	SARATOGA, CA 95070
50324051	14435 BIG BASIN WY B	CASABONNE YVES G AND ANNETTE E P O BOX 247		EL VERANO, CA 95433
50324079	14407 BIG BASIN WY B	CUNNINGHAM DENNIS M	P O BOX 7	SARATOGA, CA 95071
50324079	14407 BIG BASIN WY H	CUNNINGHAM DENNIS M	P O BOX 7	SARATOGA, CA 95071
51709011	20601 THIRD STREET	HOLM CARL W TRUSTEE & ET AL	1 GOODWIN CT	REDWOOD CITY, CA 94061
51709014	14462 BIG BASIN WY	BURRELL FRANK L III TRUSTEE	4010 MOORPARK AV STE 111	SAN JOSE, CA 95117

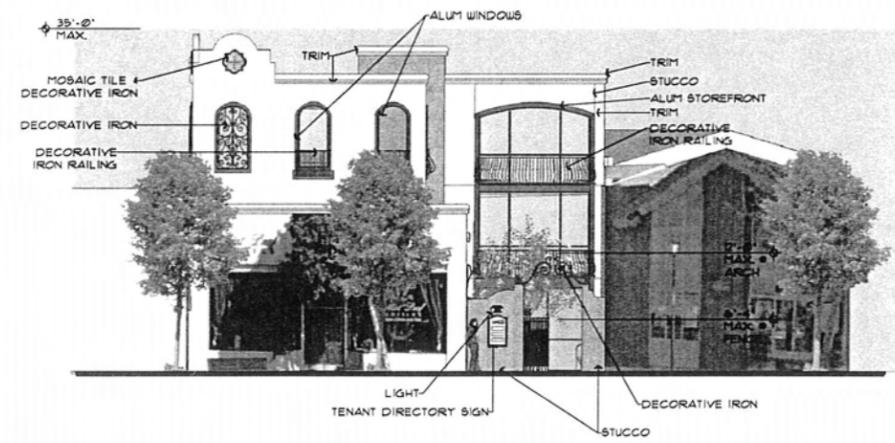
85 Affected Parcels



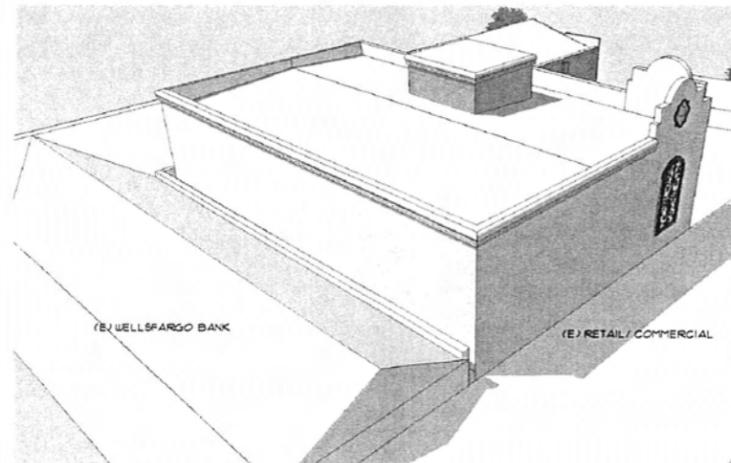
PERSPECTIVE VIEW (EYE LEVEL) FROM ACROSS BIG BASIN WAY
SCALE: N.T.S.



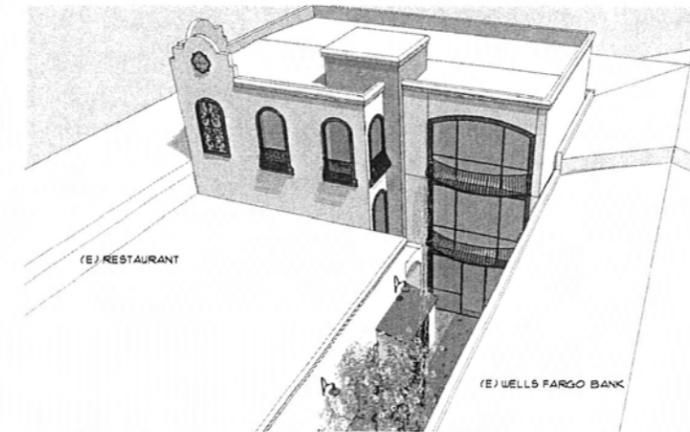
BIRDS EYE PERSPECTIVE - COURTYARD
SCALE: N.T.S.



ARCHITECTURAL ELEVATION-WEST
SCALE: 1/4" = 1'-0"



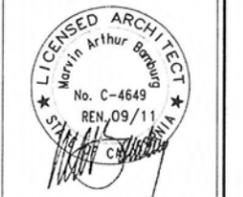
PERSPECTIVE ELEVATION-WEST & NORTH
SCALE: N.T.S.



PERSPECTIVE ELEVATION-EAST & SOUTH
SCALE: N.T.S.

JOB No.	1041	
DATE	9 AUG. 2011	
DESCRIPTION	DATE	REV.
CITY COMMENTS	09/13/11	1
PLANG 55	12/19/11	1

DESIGN REVIEW APPLICATION
KLEAR - OFFICE BUILDING
1422 BIG BASIN WAY
SARATOGA, CA



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SHEET TITLE
ELEVATIONS

SCALE AS SHOWN
CAD FILE 1041-DR-A2.DWG
DRAWN BY AU

SHEET
A2
4 OF SHEETS



View from Big Basin Way & Saratoga Los Gatos Road

RECEIVED

FEB 27 2012

CITY OF SARATOGA
COMMUNITY DEVELOPMENT



View from Blaney Plaza



Views from Big Basin Way



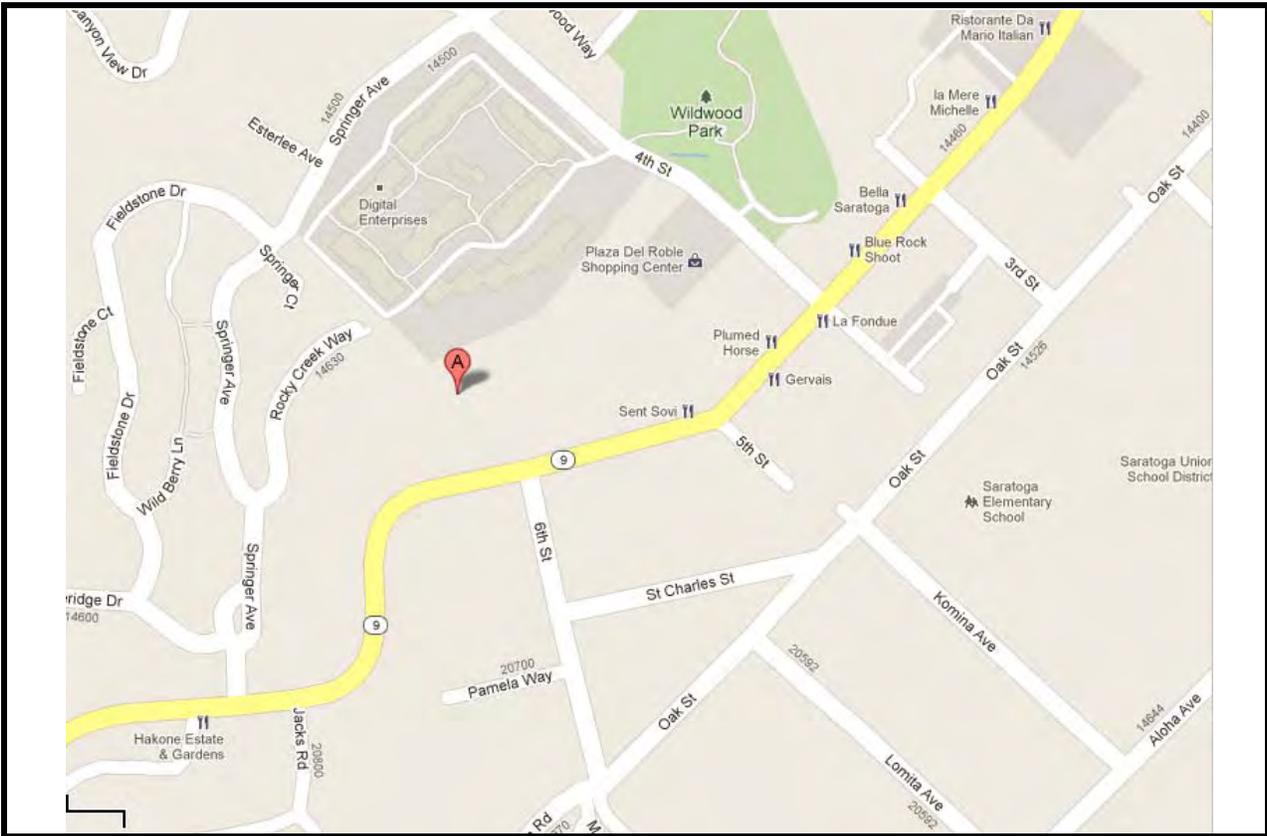
View from Oak Street



View from Saratoga Village Center Parking lot

REPORT TO THE PLANNING COMMISSION

Meeting Date:	March 14, 2012
Application No:	PDR 10-0021 & SUB 11-0003 & CUP 12-0001
Type of Application:	Design Review/Conditional Use Permit/ Tentative Subdivision/Negative Declaration
Location / APN:	14651 Big Basin Way / 503-25-015
Owner/Applicant:	John and Sue Kang / Tom Sloan
Staff Planner:	Cynthia McCormick, Planner, AICP



14651 Big Basin Way

SUMMARY

ZONING

Commercial Historic (CH2)

GENERAL PLAN DESIGNATION

Commercial Retail (CR)

PARCEL SIZE

31,978 gross s.f. (25,784 net s.f.)

AVERAGE SLOPE

36.16%

GRADING REQUIRED

Cut 172 c.y (Basement Cut 3,215 c.y.)

PROJECT DESCRIPTION: The applicant is requesting approval to replace an existing 2,430 square foot building with a new 11,557 square foot mixed-use building located at 14651 Big Basin Way. The new building would include three residential condominium units, one apartment unit, 1,246 square feet of retail space, and a 7,090 square foot basement parking garage.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 12-007 adopting the Negative Declaration and approving the Design Review, Conditional Use Permit, and Tentative Map subject to the conditions of approval.

PROJECT DATA:

Net Lot Size: 25,784 square feet	Proposal		Allowed
Density:	4 units		11 units (20 units per net acre)
Floor Area: Condominiums Apartment Common Space <i>Total Residential:</i> Retail/Restrooms Entry / Trash Enclosure Total Floor Area	7,938 SF (2,646 x 3) 1,570 SF <u>195 SF</u> <i>9,703 SF</i> 1,246 SF <u>608 SF</u> <u>11,557 SF</u>		The residential portion may be greater than 50% if approved by the Planning Commission (see findings)
Building Coverage¹:	8,412 sq. ft. (33%)		60% Maximum
Open Space:	22,083 sq. ft. (86%)		20% Minimum
Setbacks: Front: Rear Side Side	15 ft. 191 ft. 5 ft. 1 ft.		Minimum 15 ft. 54 ft. 0 0
Height: Lowest elevation pt. Highest elevation pt. Average Topmost elevation pt. Maximum height	<u>Building 1:</u> 519.05 519.05 519.05 545.00 26 ft.	<u>Building 2:</u> 510.96 519.04 515.00 541.00 26 ft.	 26ft. Maximum
Parking: Residential: Retail: Total:	10 spaces 1 space 11 spaces		10 spaces (1 garage space, 1.5 additional spaces per unit) 3 spaces (1 space per 500 sf of “extensive retail” use) 13 spaces

¹ In commercial and multi-family zones the site coverage includes structures only and places no limitation on impervious coverage.

PROJECT DESCRIPTION AND SITE CHARACTERISTICS

This applicant is seeking approval of a Tentative Map, Conditional Use Permit and Design Review pursuant to City Code Sections 14-20.070, 15-58.020(c), and 15-46.040 respectfully.

Tentative Map: The applicant is requesting approval of a tentative map to create three (3) residential condominiums in addition to a common area which includes the retail use, apartment, private driveways that provide on-site circulation for the site and common land areas. The units are proposed for individual ownership (condominiums only own air space), with maintenance of the common area to be the responsibility of a homeowners association (HOA). The attached resolution lists conditions of approval that must be met prior to recordation of a final map. The conditions relate primarily to improvement plans that show the boundary of the lot that will be shown upon the Tract Map. The applicant will also be required to provide documentation (e.g., Covenants, Conditions and Restrictions) that set the legal parameters of the condominiums and the HOA. The Final Map approval requires an action by the City Council prior to recordation of the map. The applicant meets the required findings for a tentative map, as detailed on pages 7 and 8 of this report.

Conditional Use Permit: Mixed-use developments are a conditional use in the CH-2 zoning district. The percentage of residential floor area on the mixed-use site may be greater than fifty percent if the Planning Commission makes certain findings. The applicant meets the required findings, as detailed on pages 10 and 11 of this report.

Design Review: A mixed-use project with commercial and residential uses requires design review approval. The Planning Commission shall not grant design review approval unless it is able to make certain findings. The applicant meets the required findings, as detailed on pages 8 and 9 of this report.

Site Description: The project is located at 14651 Big Basin Way, west of 6th Street, in the CH-2 zoning district. The site is approximately 31,978 (25,784 net) square feet in area with an average slope of approximately 36.16%. The steepest part of the property is in the center of the lot after which point it slopes down to the creek where it flattens out slightly then drops down again as it gets closer to the creek. The site contains an existing 2,430 square foot residence which includes a licensed home occupation for the pottery business.

Project Description: The existing building and hardscape would be demolished. Each of the three (3) condominiums would have 2,646 square feet of floor area. The residential apartment would have 1,570 square feet of floor area. Residential common space on the second floor would constitute 195 square feet of floor area. The total residential portion is 9,703 square feet in area. The retail portion of the project would be 1,246 square feet in area. Both the residential and retail portions of the building would be served by a 418 square foot covered entry and a 190 square foot trash enclosure. The closest building is setback approximately 150 feet from the top of the creek bank where only 50 feet is required

Architectural Style: The project has been designed in a contemporary style with Japanese and Korean influences. The exterior would be finished with an integral smooth troweled limestone color. The architecture would be accented by wood throughout including the entry, siding, doors, railing, and trellis. The wood clad windows and steel awnings help break up the mass of the two-story building and create a sense of openness. The expansive windows on the façade also highlight the retail pottery space within the building. The low pitch of the roof is not visible yet a parapet with wood beams and corbels add depth and reduce the perception of bulk and mass.

Detail	Colors and Materials
Exterior	Limestone colored integral smooth troweled stucco
Trim	Dark Stain Wood
Windows	Dark Bronze Metal Clad Wood Trim
Retail Entry Door	Dark Bronze Metal Clad Wood Trim
Balcony Door	Dark Bronze Metal Clad Wood Trim
Roof	“Cool” colored weather-proof composite (hidden behind parapet)
Siding	Medium Stain Wood

Open Space: In accordance with City Code Section 15-58.020(g), the project would provide adequate open space including a private courtyard and public access to the creek and other outdoor space. Approximately 86% of the net lot is open space, where 20% is required. Each condominium would have a private balcony overlooking the creek and the apartment would have two balconies.

Screening from noise and privacy impacts: The building massing, additional setbacks, and window placement would provide adequate privacy protection. In accordance with City Code Section 15-58.020(i), the project shall have sound walls and landscape screening in order to protect the privacy of abutting residences.

Parking: As shown in the table, the project requires 10 residential parking spaces and 3 retail parking spaces. The project would provide 11 parking spaces including six (6) dedicated garage spaces and five (5) open parking spaces all located within an underground parking structure. City Code Section 15-35.020(k) provides that no off-street parking shall be required of any new structure in any C-H district until such time as the ‘surplus floor area’ (i.e., surplus parking) has been allocated. As of February 7, the remaining surplus floor area was 17,671 square feet or the equivalent of approximately 39 parking spaces. Thus, the shortage of two parking spaces for the project could be met through the City’s surplus parking allowance. Furthermore, City Code Section 15-58.020(d) provides that the Planning Commission may approve shared parking if it determines that the project will not result in adverse impacts on adjacent uses. Based on the traffic analysis discussed below, the 11 parking spaces proposed for the project could be considered adequate. Thus, staff recommends that shared parking be allowed.

Traffic Analysis: An evaluation prepared by the applicant’s traffic consultant (attachment 8), and peer reviewed by the City traffic consultant (attachment 9), determined that trips generated by the project are not likely to cause any significant impacts on the surrounding transportation network.

Arborist Review: The City Arborist has reviewed the project and inventoried 10 protected trees that may be potentially impacted by construction (attachment 2). The Arborist has approved the removal of a Japanese maple (#7) and an olive tree (#10). Protective measures and an \$80,220 Tree Protection security deposit are required by the arborist for the remaining eight (8) trees in conflict with the project. New trees equal to \$12,490 in value shall be planted to replace the two (2) removed trees.

Geotechnical Clearance: The project has been reviewed by the City Engineer and received geotechnical clearance (Attachment 3). The project requires approximately 2,795 cubic yards of soil to be exported off site. Grading for the proposed basement garage would require approximately 10- to 12-feet of excavation below the current elevation of the existing fill pad. Temporary shoring would be required for safety and for excavations along property lines to prevent adverse offsite impacts.

Archeological Review: The proposed project is located adjacent to the Saratoga Creek. There are no known significant Native American, ethnic, cultural, religious or archeological resources, structures or objects on the project site. Therefore, no preliminary restrictions are being imposed on the project. However, waterways, including streams and creeks were often places where Native Americans lived or carried out activities. Thus, if archaeological resources or human remains are discovered during construction, work shall be halted within a 50-meter radius of the find until a qualified professional archaeologist can evaluate it. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. The Resolution includes Conditions of Approval to this effect.

Historic Evaluation: On August 10 2011, the Heritage Preservation Commission determined that the existing building on the property is not a heritage resource.

Green Points: The Greenpoints checklist shows a total value of 157 points (Attachment 10). Green features include drought tolerant landscaping, high efficiency irrigation, noise and vibration controls, engineered lumber, water efficient fixtures, solar panels, and energy star appliances.

Neighbor Correspondence: The applicant contacted 13 adjacent neighbors. Four neighbor notification forms were received by staff (attachment 4). One neighbor was concerned about noise and the cleanliness of the work site. Another neighbor was concerned about the hours of construction and the regular pick-up of garbage and debris. The city has standards regulating noise, construction hours, and construction site control. Any complaints in violations of these standards will be investigated.

FINDINGS

Tentative Subdivision Map Findings:

The findings required for issuance of a Tentative Map Approval pursuant to City Code Section 14-20.070 are set forth below and the Applicant has met the burden of proof to support making all of those required findings:

Finding #1: *The proposed map is consistent with the General Plan and any applicable specific plans.* The proposed parcel is consistent with the General Plan designation of Mixed-Use, which allows up to 20 dwelling units per acre. The maximum number of units allowed on this site is 11 whereas the proposal is only for 4. The proposed parcel meets and exceeds the minimum lot size required of 7,500 sq. ft. pursuant to the municipal code. Proposed lot dimensions including width, depth and frontage meet or exceed the minimums required by the municipal code.

Finding #2: *The design or improvement of the proposed subdivision is consistent with the General Plan and any applicable specific plan.* The design and improvements of the proposed subdivision are consistent with the General Plan. The proposed configuration, access and building envelopes are consistent with the code and are compatible with the existing density in the project vicinity. The proposed building coverage meets the maximum allowable coverage for the site. The building setbacks meet or exceed the development regulations. Design review approval is being considered concurrently with the Subdivision Map application, as applicable in the Municipal Code, for a new multi-family development. The project meets the required Design Review findings addressing appropriate mass, bulk, view, privacy and compatibility issues with the existing adjacent neighborhoods.

Finding #3: *The site is physically suitable for the type of development proposed.* The project was reviewed for geological and geotechnical hazards and constraints present on the site. The applicant has developed appropriate measures to avoid and/or mitigate those hazards and constraints to the satisfaction of the City Engineer and City Geotechnical Consultant and has received geotechnical clearance. The Project Geotechnical Engineer will inspect, test (as needed), and approve all geotechnical aspects of the project construction. The applicant's consultant shall complete an inspection of completed site drainage improvements for conformance with geotechnical recommendations.

Finding #4: *The site is physically suitable for the proposed density of development.* The site meets or exceeds the minimum required area for development of 4 units. The development meets or exceeds the zoning district standards for the development of condominium units as proposed by this subdivision. Development of the immediate surrounding area to the west and south is characterized by multi-family residential uses. Therefore the project is compatible with the surrounding density of development.

Finding #5: *The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.* A Negative Declaration ("ND") was prepared for the project in accordance with the California Environmental Quality Act (CEQA) pursuant Section 15070 and following of Title 14, Division

6, Chapter 3 (“CEQA Guidelines”). The ND is based on an Initial Study which indicates there is no substantial evidence, in light of the whole record before the City of Saratoga, that the project may have a significant effect on the environment. The Notice of Intent to adopt a Negative Declaration was circulated for public review. The IS and ND were available for review from January 23, 2012 through February 22, 2012.

Finding #6: *The design of the subdivision is not likely to cause serious health or safety problems.*

The project meets the finding. The Tentative Map has been reviewed by the Planning Department and the following agencies. West Valley Sanitation District, Santa Clara County Fire Department, and the City Arborist have provided conditions of approval that shall be met by the applicant. No comments have been received to date by the Santa Clara Valley Water District, Caltrans, San Jose Water, Santa Clara County Health Department, Santa Clara County Department of Environmental Health, Pacific Gas & Electric, or School Districts. The applicant will be required to comply with all conditions regarding improvements, whether on-site or off-site requested by other Agencies or Utilities having jurisdiction over the project. All structural improvements to the property will be reviewed by the Building Department and Public Works Department.

Finding #7: *The design of the subdivision will not conflict with easements for access or use.*

The title report for the site contains two references to easements. Item 4 of the title report refers to “Any easement for water course over that portion of land lying within Saratoga Creek.” The project will maintain the minimum setback from the creekbank and potential flood zone. Item 4 also refers to easements shown on the Record of Survey (on file with the Community Development Department); however this map does not show any easements.

Finding #8: *The proposed subdivision of land is not subject to a contract executed pursuant to the Williamson Act.*

The project site is not under a Williamson Act contract.

Finding #9: *The discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements.*

The West Valley Sanitation District of Santa Clara County has reviewed the proposed subdivision (reference correspondence dated January 23, 2012). The applicant will be required to submit a sewer improvement plan and on-site privately maintained sewer system designed in accordance with District standards.

Design Review Findings:

The findings required for issuance of a Design Review Approval pursuant to City Code Section 15-46.040 are set forth below and the Applicant has met the burden of proof to support making all of those required findings:

Finding #1: *Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include height, elevations, roofs, material, color and appurtenances.* The retail and residential portions of the property are integrated to be harmonious. The mixed-use development has been designed to meet the objectives of Village Design Guidelines regarding both the pedestrian nature and commercial context of the Village. The front elevation highlights the retail pottery studio through the use of expansive display windows that draw the pedestrian in; while the dark stain wood trim and

architectural features add depth and visual interest. The exterior includes smooth-troweled limestone colored plaster, wood siding, and dark bronze metal finishes; colors and materials that integrate well with the natural surroundings. The basement level parking is in keeping with the Village Design Guidelines that call for a minimal visual exposure of parking facilities and of ingress-egress from Big Basin Way. The roof is obscured by a Parapet and distinctive wood beams and corbels. The proposed height meets the standard for the CH-2 zoning district.

Finding #2: *Where more than one sign will be erected or displayed on the site, the signs shall have a common or compatible design and locational positions and shall be harmonious in appearance.* The proposed signage will be integrated into the architecture of the building. The signs will be designed in wood and/or metal with a matte finish in keeping with the Village Design Guidelines.

Finding #3: *Landscaping shall integrate and accommodate existing trees and vegetation to be preserved; it shall make use of water-conserving plants, materials and irrigation systems to the maximum extent feasible; and, to the maximum extent feasible, it shall be clustered in natural appearing groups, as opposed to being placed in rows or regularly spaced.* New landscaping will be drought tolerant, California Natives, or other appropriate species. Plants will be grouped by water needs (hydrozoning) and planting beds will be mulched. High efficiency irrigations systems will be used to ensure water conservation. The site will include an expansive open space area; benefiting from the adjacent Saratoga Creek and mature landscaping. The City Arborist has inventoried 10 protected trees that may be potentially impacted by construction. The Arborist has approved the removal of two non-native trees. Protective measures and a security deposit are required to ensure protection of the trees. New trees shall be planted to replace the two removed trees.

Finding #4: *Colors of wall and roofing materials shall blend with the natural landscape and be nonreflective.* The limestone colored exterior, wood siding, dark stain wood trim and railings, and dark bronze metal finishes blend with the natural environment and are of low reflective value. The simple flat roof is concealed behind a decorative parapet and distinctive wood beams and corbels, an architectural form encouraged by the Village Design Guidelines.

Finding #5: *Roofing materials shall be wood shingles, wood shakes, tile, or other materials such as composition as approved by the Planning Commission. No mechanical equipment shall be located upon a roof unless it is appropriately screened.* The roofing is composed of a high quality composite material designed to withstand the elements in a sustainable and attractive manner. Mechanical equipment will be screened behind the roof parapet.

Finding #6: *The proposed development shall be compatible in terms of height, bulk and design with other structures in the immediate area.* The CH-2 zoning district is the more residential area of the Village. Although the project contains a retail component, the height of the proposed building is in keeping with the 26 foot height limit for residential projects, promoting compatibility with the adjacent properties. The façade along Big Basin Way is designed to take up a majority of the width of the lot so that there are no “dead spaces”, maintaining a street front rhythm, reflecting the objectives of the Village Design Guidelines. Also in conformance with the Village Design Guidelines, the architecture includes horizontal rectilinear building forms and an

expanse of windows and doors, linking the pedestrian environment outside with the pottery studio inside.

Mixed-Use Findings:

The findings required for issuance of a Conditional Use Permit for mixed-use projects with an over 50% residential component pursuant to City Code Section 15-58.020(c) are set forth below and the Applicant has met the burden of proof to support making all of those required findings:

Finding #1: *The proposed location of the mixed-use is in accord with the objectives of the Zoning Regulations and the purposes of the district in which the site is located.* The project meets this finding. Mixed-use developments are allowed in the CH-2 zoning strict with a use-permit. The project meets the findings required for a use permit as well as the standards set for mixed-use projects and the CH-2 zoning district. The project meets the following objectives with respect to the Saratoga Village:

- a) ***Preservation and enhancement of the small-scale, pedestrian character of the Village to make the area more inviting to potential shoppers and diners.*** The mixed-use development has been designed to meet several objectives of the Village Design Guidelines. The residential portion of the mixed-use project would be located at the rear of the property such that the retail portion of the project fronts along Big Basin Way. Expansive windows will draw the pedestrian in. Pedestrians may access the building from Big Basin Way via a covered entry that will protect them from the elements.
- b) ***Preservation and enhancement of the architectural and landscape quality of the Village.*** The exterior colors and materials integrate well with the surrounding landscape. The site contains 80% open space where only 20% is required. Landscaping will be maintained by a Homeowner's Association.
- c) ***Encouragement of a town center mix of specialty shops, restaurants, convenience shops, services and residences.*** The proposed mixed-use project would provide three picturesque condominiums facing the creek, a retail pottery studio, and an apartment above the studio for local and international visitors.
- d) ***Conservation of historic structures.*** The Heritage Preservation Commission has determined that the existing building on the property is not a historic structure or heritage resource and could be demolished.

Finding #2: *The proposed location of the mixed-use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.* The Site Plan was reviewed by the Planning Department, West Valley Sanitation District, Santa Clara County Fire Department, City Arborist, Santa Clara Valley Water District, Caltrans, San Jose Water, Santa Clara County Health Department, Santa Clara County Department of Environmental Health, Pacific Gas & Electric, and School Districts. The applicant will be required to comply with all conditions regarding improvements, whether on-site or off-site requested by Agencies or Utilities

having jurisdiction over the project. All structural improvements to the property will be reviewed by the Building Department and Public Works Department.

Finding #3: *The proposed mixed-use will comply with each of the applicable provisions of this Chapter.* Mixed-use developments are allowed in the CH-2 zoning district with a use-permit. The project meets the findings required for a use permit as well as the standards set for mixed-use projects and the CH-2 zoning district.

Finding #4: *The proposed mixed-use will not adversely affect existing or anticipated uses in the immediate neighborhood, and will not adversely affect surrounding properties or the occupants thereof.* The mixed-use residential condominiums and retail pottery studio meet the design review findings required for commercial and multi-family structures. The mixed-use project is compatible with other nearby multi-family units and commercial establishments.

ENVIRONMENTAL DETERMINATION: The project has been the subject of a Negative Declaration (“ND”) under the California Environmental Quality Act (CEQA) pursuant Section 15070 and following of Title 14, Division 6, Chapter 3 (“CEQA Guidelines”). This ND is based on an Initial Study which indicates there is no substantial evidence, in light of the whole record before the City of Saratoga, that the project may have a significant effect on the environment. The Notice of Intent to adopt a Negative Declaration was circulated for public review. The IS and ND were available for review from January 23, 2012 through February 22, 2012.

ATTACHMENTS:

1. Resolution of Approval for Negative Declaration, Design Review, and Tentative Map
2. Initial Study and Negative Declaration, dated January 23, 2012
3. Public Hearing Notice, Notification Mailing Addresses, Subdivision Distribution List
4. Neighbor Notification forms
5. Arborist Reports, dated December 20, 2011 and January 10, 2012
6. Geotechnical Clearance Letter, dated December 9, 2010
7. Traffic Memo
8. Peer Review of Traffic Memo
9. Green Points Checklist
10. Tentative Subdivision Map, Development Plans, and Color Board (Exhibit "A")

RESOLUTION NO. 12-007

**A RESOLUTION OF THE CITY OF SARATOGA PLANNING COMMISSION
ADOPTING THE NEGATIVE DECLARATION AND APPROVING THE DESIGN
REVIEW (PDR 10-0021), CONDITIONAL USE PERMIT (CUP 12-0001) AND
TENTATIVE SUBDIVISION MAP (SUB11-0003)
LOCATED AT 14651 BIG BASIN WAY**

WHEREAS, on November 8 2010, an application was submitted by Tom Sloan on behalf of the owners Jongheen Kang and Sue Kang, requesting design review and conditional use permit approval to construct a mixed-use residential condominium and commercial units located at 14651 Big Basin Way. The property is located within the Commercial Historic 2 Zoning District (APN 503-23-015); and

WHEREAS, on December 22 2011, an application was submitted by Jongheen Kang and Sue Kang, requesting tentative map approval for a subdivision that creates air space units and structures jointly owned as a fraction of the site located at 14651 Big Basin Way; and

WHEREAS, the limits of ownership, whether residential or commercial space, will be defined on the condominium plans (a part of Covenants, Conditions and Restrictions (CC&R)) that will be prepared together with the tract map and recorded concurrently for three residential condominiums and two commercial units; and

WHEREAS, a homeowner's association will be formed to maintain both land and the buildings; and

WHEREAS, the Community Development Department completed an initial study and Negative Declaration for the project pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines (14 California Code of Regulations sections 15000-15387), and any other applicable requirements; and

WHEREAS, the intent to adopt the Negative Declaration (ND) were duly noticed and circulated for a 30-day public review period from January 23, 2012 through February 22, 2012. All Interested Parties desiring to comment on the ND were given the opportunity to submit written and oral comments on the adequacy of the ND up to and including the close of the Public Hearing on Project before the Planning Commission on March 14, 2012; and

WHEREAS, on March 14, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties. All comments on the Initial Study and Negative Declaration raised during the public and agency comment period and at the Public Hearing(s) on the Project were considered by the Planning Commission.

NOW THEREFORE, the Planning Commission of the City of Saratoga hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is consistent with Saratoga General Plan Land Use Goal 13 which provides that the City shall use the Design Review process to assure that the new construction and major additions thereto are compatible with the site and the adjacent surroundings; Open Space Element Policy 11.a which provides that the City shall ensure that projects are designed in a manner that minimizes disruption to important wildlife, riparian and plant habitats; and Safety Element Site and Drainage Policy 3 which provides that the City shall require that landscaping and site drainage plans be submitted and approved during Design Review for a residence prior to issuance of permits.

Section 3: The project is consistent with the Saratoga City Code in that the design and improvements are consistent with the design review findings in that the project avoids unreasonable interference with views and privacy; preserves the natural landscape, native and heritage trees; minimizes the perception of excessive bulk and is of compatible bulk and height; uses current grading and erosion control methods; and follows appropriate design policies and techniques.

Section 4: The project meets the burden of proof required to support the conditional use permit in that the proposed location of the mixed-use development is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located; that the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; the proposed conditional use will comply with each of the applicable provisions of this Chapter; and the proposed conditional use will not adversely affect existing or anticipated uses in the immediate neighborhood, and will not adversely affect surrounding properties or the occupants thereof.

Section 5: The Negative Declaration (“ND”) is based on an Initial Study which indicates there is no substantial evidence, in light of the whole record before the City of Saratoga, that the project as revised may have a significant effect on the environment.

Section 6: The City of Saratoga Planning Commission hereby adopts the Negative Declaration and approves application #s PDR 10-0021, CUP 12-0001, and SUB 11-0003, for the project located at 14651 Big Basin Way, subject to the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED by the City of Saratoga Planning Commission this 14th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas R. Robertson
Chair, Planning Commission

EXHIBIT 1**RECOMMENDED CONDITIONS OF APPROVAL
DESIGN REVIEW & CONDITIONAL USE PERMIT NO. PDR 10-0021 & CUP 12-0001
& SUB 11-0003 LOCATED AT 14651 BIG BASIN WAY**

1. All conditions below which are identified as permanent or for which an alternative period of time for applicability is specified shall run with the land and apply to the landowner's successors in interest for such time period. No zoning clearance, or demolition, grading for this project shall be issued until proof is filed with the city that a certificate of approval documenting all applicable permanent or other term-specified conditions has been recorded by the applicant with the Santa Clara County Recorder's office in form and content to the Community Development Director.
2. If a condition is not "Permanent" or does not have a term specified, it shall remain in effect until the issuance by the City of Saratoga of a Certificate of Occupancy or its equivalent.
2. The Owner and Applicant will be mailed a statement, after the time the Resolution granting this approval is duly executed, containing a statement of all amounts due to the City in connection with this application, including all consultant fees (collectively "processing fees"). This approval or permit shall expire sixty (60) days after the date said notice is mailed if all processing fees contained in the notice have not been paid in full. No Zoning Clearance or Demolition, Grading, or Building Permit may be issued until the processing fees have been paid in full (and, for deposit accounts, a surplus balance of \$500 is maintained).
3. The Project shall maintain compliance with all applicable regulations of the State, County, City and/or other governmental agencies having jurisdiction including, without limitation, the requirements of the Saratoga Zoning Regulations incorporated herein by this reference.
4. As a condition of this Approval, Owner and Applicant hereby agree to defend, indemnify and hold the City and its officers, officials, boards, commissions, employees, agents and volunteers harmless from and against:
 - a. any and all claims, actions or proceedings to attack, set aside, void or annul any action on the subject application, or any of the proceedings, acts or determinations taken, done or made prior to said action; and
 - b. any and all claims, demands, actions, expenses or liabilities arising from or in any manner relating to the performance of such construction, installation, alteration or grading work by the Owner and/or Applicant, their successors, or by any person acting on their behalf.

In addition, prior to any Zoning Clearance from the Community Development Director, Owner and Applicant shall execute a separate agreement containing the details of this required Agreement to Indemnify, Hold Harmless and Defend, which shall be subject to prior approval as to form and content by the City Attorney.

5. Compliance with Plans. The development shall be located and constructed to include those features, and only those features, as shown on the Approved Plans dated February 16, 2012 denominated Exhibit "A". All proposed changes to the Approved Plans must be submitted in writing with plans showing the changes, including a clouded set of plans highlighting the changes.
6. Front yard landscaping. Front yard landscaping shall be installed prior to final inspection or a bond satisfactory to the Community Development Department 150% of the estimated cost of the installation of such landscaping shall be provided to the City.
7. Cultural Resources. If archaeological or cultural resources or human remains are discovered, the following conditions shall be implemented.
 - a. If significant cultural materials are found during project construction activities, all construction shall cease within a 50-foot radius of the find in order to proceed with the testing and mitigation measures required. The City of Saratoga shall be notified, and a qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural material. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the public Resources Code of the State of California.
 - b. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlay adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State Law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - c. In the event any unrecorded archaeological resources are recorded, it will be the responsibility of the project archaeologist to (at a minimum) record the location of the resources on DPR archaeological site forms to be submitted to the Northwest Information Center (NWIC) at the completion of the project. If it has been determined that additional earthmoving activities will further disturb the resource, a plan for its evaluation under current CEQA guidelines should be submitted to the City of Saratoga for approval before a program of hand excavation is undertaken.
 - d. If evaluative testing demonstrates that the property contains an archaeological resource eligible for inclusion on the California Register of Historical Resources, the project applicant should submit a plan for mitigation of impacts to that resource to the City of Saratoga for approval before additional data recovery efforts are allowed to proceed in areas of planned impacts. Mitigation can take the form of additional archaeological monitoring along with recording and/or removal of significant archaeological materials and information. Mitigation should also include the analysis and production of a report of findings at the completion of archaeological fieldwork for submission to the City and the NWIC.

- e. After discovery of any significant cultural resources, a final report shall be submitted to the City of Saratoga. This report shall contain a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusion, and a description of the disposition/duration of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City of Saratoga.
8. Compliance with Tree Regulations and City Arborist Report. All requirements in the City Arborist Report dated January 10, 2012, are hereby adopted as conditions of approval and shall be implemented as part of the Approved Plans.
9. Geotechnical Clearance. All requirements in the Geotechnical Clearance memorandum dated December 9, 2010, and as specified by the City Engineer are hereby adopted as conditions of approval and shall be implemented as part of the Approved Plans.
10. Prior to submittal of detailed plans for the building permit application, the selected foundation design alternative shall be clarified. If pier foundations are to be utilized for buildings near the steep northern slope, then the Project Geotechnical Engineer shall clarify minimal lateral cover requirements for piers prior to application of passive resistance.

If mat slab foundations are to extend to the northern edges of proposed buildings, then a grading plan shall be prepared illustrating where existing fill materials will be removed and replaced along with necessary keyways and benching into in-place material. This plan shall also indicate final proposed fill slope configurations to the north of proposed buildings. The Project Geotechnical Engineer shall evaluate any revised grading plan prior to submittal to the City.

Appropriate documentation to address the above shall be submitted to the City for review by the City Engineer and City Geotechnical Consultant prior to acceptance of detailed plans for building permit plan-check.

11. The Project Geotechnical Engineer shall review and approve all geotechnical aspects of the final development plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations) to ensure that the plans, specifications and details accurately reflect the consultant's recommendations. The consultant shall specifically evaluate all geotechnical aspects of proposed project drainage design. Percolation or discharge of collected storm drainage shall be avoided near the top of site fill slopes. Drainage discharge shall be designed to minimize potential erosion or adverse slope instability impacts. Geotechnical aspects of sharing design plans shall be evaluate.

The results of the plan review shall be summarized by the Project Geotechnical Engineer in a letter(s) and submitted to the City for review by the City Engineer prior to issuance of permits.

12. The Project Geotechnical Engineer shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for fill keyways (if applicable), and foundation construction prior to placement of fill, steel and concrete. The consultant shall complete an inspection of completed site drainage improvements for conformance with geotechnical recommendations.

The results of these inspections and the as-built conditions of the project shall be described by the Project Registered Geotechnical Engineer in a letter(s) and submitted to the City Engineer for review and approval prior to Final (as-built) Project Approval.

13. The owner (applicant) shall pay any outstanding fees associated with the City Geotechnical Consultant's review of the project prior to Zone Clearance.
14. The owner (applicant) shall enter into agreement holding the City of Saratoga harmless from any claims or liabilities caused by or arising out of soil or slope instability, slides, slope failure or other soil related and/or erosion related conditions.
15. THIS CONDITION IS PERMANENT. Deed Restriction: Trail Easement. The property Owner shall record a deed restriction, satisfactory to the Community Development Director, dedicating a pedestrian trail easement along Saratoga Creek to the City of Saratoga as provided in the Trail Easement Agreement and depicted on the Trails Master Plan included in the Open Space Conservation Element of the City of Saratoga General Plan. A legal description and plat plan or a verbal trail description shall be prepared for the trail easement dedication and submitted to the City Public Works Department for review and approval. The width and exact location of the trail easement is subject to approval by the Public Works Department. This Trail Easement shall be recorded on the deed prior to issuance of Zoning Clearance for a Building Permit.
16. Prior to submittal of the Final Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act.
17. The owner (applicant) shall submit four (4) copies of a Final Map in substantial conformance with the approved Tentative Map, along with the additional documents required by Section 14-40.020 of the Municipal Code, to the City Engineer for examination. The Final Map shall contain all of the information required in Section 14-40.030 of the Municipal Code and shall be accompanied by the following items:
 - a. One copy of map checking calculations.
 - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Map.
 - c. One copy of each map referenced on the Final Map.

- d. One copy of each document/deed referenced on the Final Map.
 - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
18. The owner (applicant) shall pay a Map Checking fee, as determined by the City Engineer, at the time of submittal of the Final Map for examination.
 19. Interior monuments shall be set at each lot corner either prior to recordation of the Final Map or some later date to be specified on the Final Map. If the owner (applicant) chooses to defer the setting of interior monuments to a specified later date, then sufficient security as determined by the City Engineer shall be furnished prior to Final Map approval, to guarantee the setting of interior monuments.
 20. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Map, in substantial conformance with the approved Tentative Map, prior to Final Map approval.
 21. The owner (applicant) shall submit engineered improvement plans to the City Engineer in conformance with the approved Tentative Map and in accordance with the design and improvement requirements of Chapter 14 of the Municipal Code. The improvement plans shall be reviewed and approved by the City Engineer and the appropriate officials from other public agencies having jurisdictional authority, including public and private utility providers, prior to approval of the Final Map.

Improvement requirements shall include, but not necessarily be limited to:

 - a. Replace sidewalk and the planting strip between the sidewalk and the roadway on North side of Big Basin Way along the subdivision frontage per City Standard specifications. The extent of the sidewalk and planting strip replacement shall be determined by the City Engineer during the Encroachment Permit application.
 - b. The owner (applicant) shall obtain an Encroachment Permit from the City for any and all improvements in any City right-of-way or City easement prior to commencement of the work. The owner (applicant) shall obtain an Encroachment Permit from Caltrans for any and all improvements in Caltrans right-of-way prior to commencement of the work.
 22. The owner (applicant) shall submit "As-Built" plans showing all modifications made during construction. Included in "As-Built" plans will be certification about the total impervious area. If the total project impervious area exceeds the 10,000 square feet threshold for projects regulated by Provision C.3 of the Municipal Regional Permit, the project will need to comply with all requirements listed in Provision C.3 at the time the Project's initial approval by the City.
 23. The owner (applicant) shall pay a Subdivision Improvement Plan Checking fee, as determined by the Public Works Director, at the time Improvement Plans are submitted for review.
 24. The owner (applicant) shall enter into an Improvement Agreement with the City in accordance with Section 14-60.010 of the Municipal Code prior to Final Map approval.

25. The owner/applicant shall comply with requirements of Provision C.3 of National Pollutant Discharge Elimination System Permit. The applicant shall use and maintain Best Management Practices (BMP's) for site design and storm water treatment. The project site shall be designed to prevent pollutant from being washed into creeks and storm drains. Subdivision Improvement Grading and Drainage Plan shall incorporate preliminary design, control, and engineered treatment measures to comply with NPDES permit requirements.
26. The owner (applicant) shall furnish Improvement Securities in accordance with Section 14-60.020 of the Municipal Code in the manner and amounts determined by the Public Works Director prior to Final Map approval.
27. The owner (applicant) shall furnish a written indemnity agreement and proof of insurance coverage, in accordance with Section 14-05.050 of the Municipal Code, prior to Final Map approval.
28. Prior to Final Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.
29. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of subdivision improvement construction. Copies of permits other than those issued by the City shall be provided to City Engineer.
30. The owner (applicant) shall pay the applicable Park and Recreation fee prior to Final Map approval.
31. All building and construction related activities shall adhere to New Development and Construction - Best Management Practices as adopted by the City for the purpose of preventing storm water pollution.
32. Conditions Requested by Other Agencies or Utilities. Applicant shall comply with all conditions regarding improvements, whether on-site or off-site requested by other Agencies or Utilities having jurisdiction over the project. Such agencies include but are not limited to the Santa Clara Valley Water District and Regional Water Quality Control Board. Prior to issuance of city permits, the applicant must present evidence of permit approval by any such agencies, as required for any activities within jurisdictional areas of said agencies.

DRAFT
Environmental Initial Study
and Negative Declaration

For:

Design Review, Conditional Use Permit, and Subdivision

Owner:

John and Sue Kang
14651 Big Basin Way
Saratoga, CA 95070

Public Review Period:

January 23, 2012 to February 22, 2012

City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way

1. Project title: PDR11-0010, SUB 11-0003
2. Lead agency name and address: City of Saratoga; Planning Division
13777 Fruitvale Avenue; Saratoga, CA 95070
3. Contact person and phone number: Cynthia McCormick AICP, Planner
(408) 868-1230
4. Project location/APN: 14651 Big Basin Way; Saratoga, CA 95070 / 503-25-015
5. Project sponsor name and address: John and Sue Kang
6. General plan designation: Commercial Historic (CH2)
7. Zoning: Commercial Retail (CR)
8. Description of project: The project would create three (3) residential condominiums in addition to a commercial retail and office unit with apartment above. The existing residence/office and hardscape would be demolished. Each of the three (3) two-story condominiums would have 2,646 square feet of floor area. The residential apartment would have 1,570 square feet of floor area. Residential common space on the second floor would constitute 195 square feet of floor area. The retail portion of the project would be 1,246 square feet in area. Both the residential and retail portions of the building would be served by a 418 square foot covered entry, 190 square foot trash enclosure, and basement parking garage. A homeowner's association would be formed to maintain both land and the buildings. Three trees protected by City Code have been cleared for removal.
9. Surrounding land uses and setting: The project is located in the western portion of the City's downtown Village and bounded to the north by Saratoga Creek. The site is approximately 31,978 gross square feet in area with an average slope of approximately 36.16%. The steepest part of the property is in the center of the lot after which point it slopes down to the creek where it flattens out slightly then drops down again as it gets closer to the creek. The site is surrounded by a mix of residential and commercial uses including multi-family units across the street, single-family homes on either side of the subject lot, and several office uses to the northeast of the property.
10. Other public agencies whose review is required
 - a. Santa Clara County Fire District
 - b. Santa Clara Valley Water District (SCVWD)
 - c. Pacific Gas and Electric (PG&E)
 - d. Santa Clara Valley Transportation Authority (VTA)

City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way

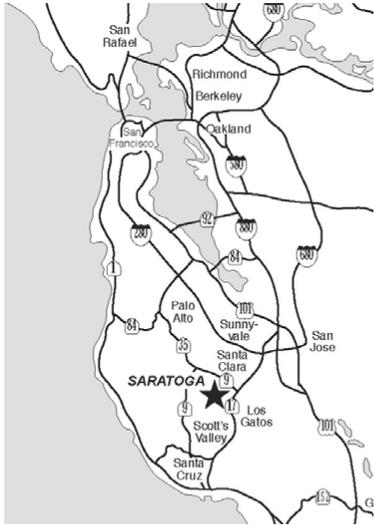
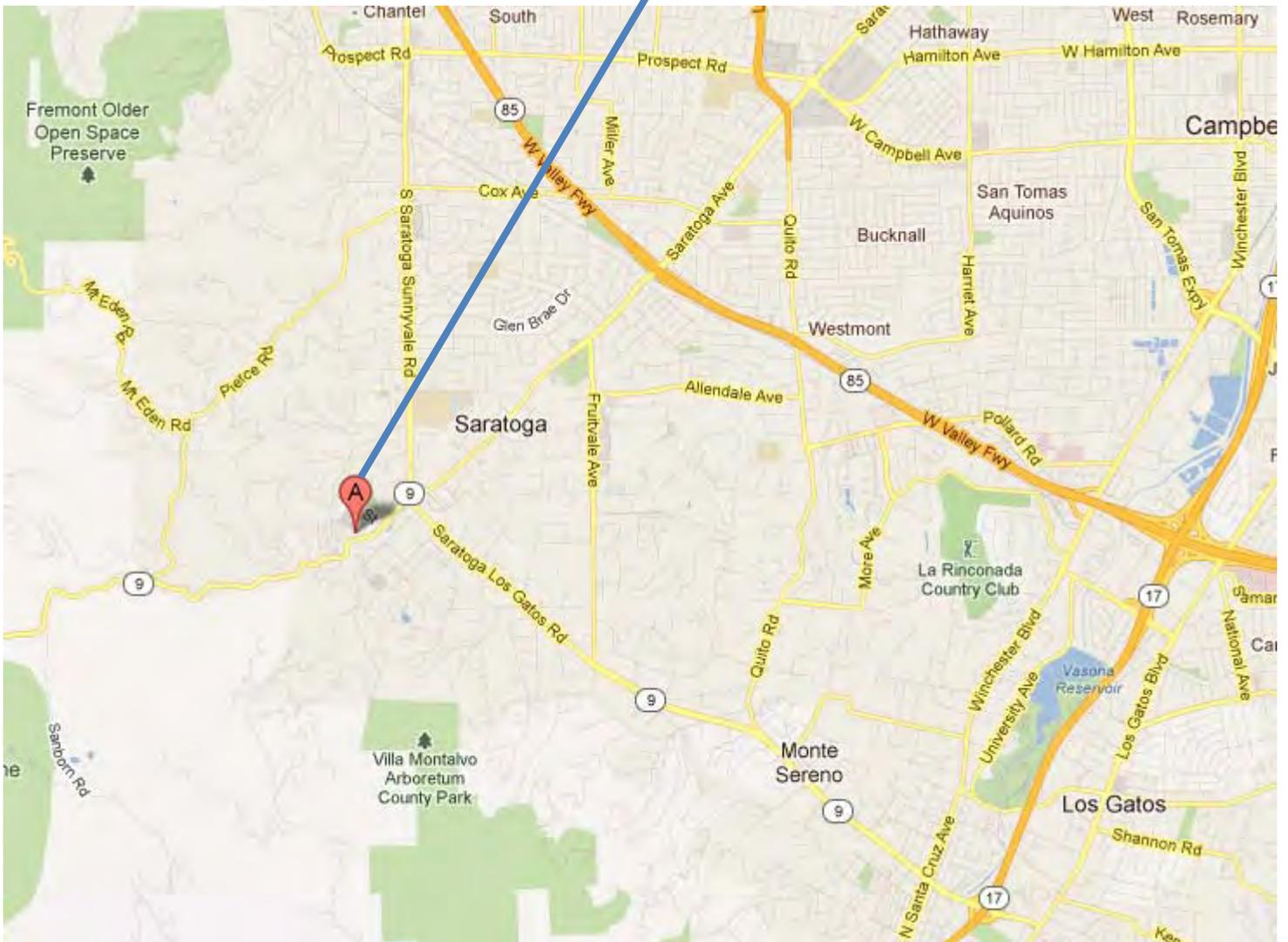
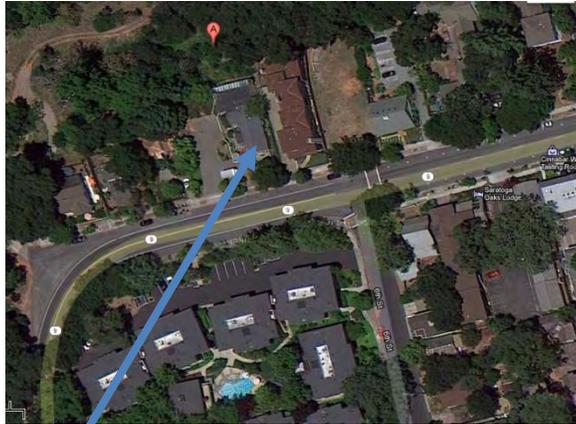


Figure 1: Project Location



**City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 7 for additional information.

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature:	Date:
Printed Name: Cynthia McCormick	For:

City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

**City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way**

I. AESTHETICS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

a-b) The site is located on Big Basin Way which represents a portion of State Route 9, a State Scenic Highway Corridor. The existing residence to be demolished has been determined not to be historically significant. The proposed structures will not have a significant adverse effect on the scenic value of the area. The City Arborist has inventoried the site for potential conflict with trees. Three protected trees meet the criteria for removal, and shall be replaced with trees equal in value.

c) The project has been designed in a contemporary style with a neutral colored smooth troweled stucco exterior and wood accents including the entry, siding, doors, windows, railing, and trellis. The architecture helps break up the mass of the two-story building.

d) The project is conditioned such that exterior lighting shall be shielded so as not to shine on adjacent properties or roadways.

Based on the above discussion, No mitigation is necessary or required in relation to impact on Aesthetics.

(Source: review of the project, Saratoga General Plan Land Use Element, and Municipal Code §15-45).

**City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way**

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation	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 non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

DISCUSSION:

a-e) The property is not zoned for farm or agricultural land uses and it is not under a Williamson Act contract. No forest land, as defined in Public Resources Code section 12220(g) exists on the property.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Agricultural and Forest Resources.

(Sources: Review of the project, City of Saratoga General Plan and Municipal Code §15-13)

**City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way**

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

The Bay Area Air Quality Management District’s (BAQMD) CEQA Guidelines recommend air quality significance thresholds, analytical methodologies and mitigation measures for local agencies to use when preparing air quality impact analyses under CEQA. The BAQMD CEQA Guidelines contain instructions on how to evaluate, measure, and mitigate air quality impacts generated from land development construction and operation activities. The Guidelines focus on criteria air pollutant, greenhouse gas (GHG), toxic air contaminant, and odor emissions generated from plans or projects. The BAQMD CEQA Guidelines provide screening criteria to determine if a project may have potentially significant impacts requiring a detailed analysis. This preliminary screening provides the lead agency with a conservative indication of whether the proposed project would result in the generation of construction-related criteria air pollutants and/or precursors that exceed the *Thresholds of Significance*. If all of the *Screening Criteria* are met, the construction of the proposed project would result in a less-than-significant impact from criteria air pollutant and precursor emissions, and the lead agency or applicant would not need to perform a detailed air quality assessment of their project’s air pollutant emissions. The project will be conditioned to meet the BAQMD *Screening Criteria*.

a-e) Air emissions increases associated with the proposed project would not be considered significant since the size of the proposed project would not exceed the BAAQMD’s threshold levels for potential significance. No wood burning fireplaces are proposed. Traffic generated by the project would not have the potential to generate significant air quality impacts. The proposed project does not involve construction activities that would result in significant air emissions or changes to regional air quality. However, project construction activities may result in short-term changes to air quality in the immediate vicinity of the project site and impacts to sensitive receptors. Temporary increases in emissions may result from demolition activities, delivery of construction material, earthmoving, and construction. Dust can be emitted by the action of equipment and vehicles and as a result of wind erosion over exposed earth surfaces. Grading and earthmoving activities, although minimal, comprise the major source of construction dust emissions, but traffic and general disturbance of the soil also generate dust emissions. Short-term impacts would be mostly related to particulate matter emissions, an increase in exhaust emissions produced during the transport of workers, machinery and construction materials to and from the site could also occur. Heavy machinery powered by diesel engines that would be used during project construction may create localized odors during the duration of construction operations. It is unlikely

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that these odors would be noticeable by humans not on the project site. No permanent odors would be created.

The City requires development applications to include a green points checklist from the Build It Green program. In conjunction with this checklist the City encourages new development proposals to incorporate energy conservation and sustainable/green building design through the use of construction material choices, building orientation and site planning, energy efficient appliances and heating and cooling systems among other things in an effort to reduce the cumulative impacts of construction on Climate change.

(Sources: Bay Area Air Quality Management District CEQA Guidelines (online) updated May 2011; City of Saratoga General Plan and Municipal Code)

The following conditions of approval will be placed on the project

1. The project shall not exceed the applicable screening level size for criteria pollutants and precursors and Greenhouse Gases (GHG) show in Table 3-1 of the BAQMD CEQA Guidelines.
2. All *Basic Construction Mitigation Measures* shall be included in the project design and implemented during construction; and
3. Construction-related activities shall not include any of the following:
 - a. Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
 - b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
 - c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
 - d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
 - e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

The following additional conditions of approval will be placed on the project as required for general construction:

- 1) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- 2) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 3) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 4) All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 5) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 6) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure

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Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- 7) All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
- 8) Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- 9) Green building materials and strategies shall be incorporated into the construction of the proposed new residences in accordance with City guidelines and standards.
- 10) A maximum of one wood-burning fireplace per residence may be installed consistent with City regulations and BAAQMD guidelines.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Air Quality.

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-d) There are no known species identified as a candidate, sensitive, or special status species within the project area. The development will maintain a significant setback from the creek, thereby reducing any

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potential impacts to riparian habitat, sensitive natural community, native resident or migratory fish or wildlife species, or federally protected wetlands.

e) The City Arborist has inventoried the site for potential conflict with trees. Three protected trees meet the criteria for removal, and shall be replaced with trees equal in value.

f) There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan in effect for the project area and no conflict with such a plan is anticipated.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Cultural Resources.

(Sources: Review by City Arborist dated January 10, 2012)

V. CULTURAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-d) There are no known historical resources, archeological resources, paleontological, unique geological features, or human remains on the property. If archaeological, paleontological, or cultural resources or human remains are discovered, standard conditions of approval shall be implemented.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Cultural Resources.

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VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	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:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION: The City’s Geotechnical Consultant reviewed the *Geotechnical Investigation Report* prepared by Redwood Geotechnical Engineering, Inc., dated October 26, 2010; *Engineering Geologic Investigation* prepared by Steven F. Connelly, C.E.G., dated October 22nd, 2010; and *Architectural Plans* (8 sheets, various scales) prepared by Metro Design Group, dated November 5th, 2010. In addition, the Geotechnical Consultant reviewed pertinent technical documents and inspected site conditions. Earthwork quantities proposed for the project include approximately 2,795 cubic yards of cut material to be exported off the site. Grading for the proposed basement would require approximately 10- to 12-feet of excavation below the current elevation of the existing fill pad. The City’s Geotechnical Consultant does not have objections to the completed site investigations or recommended geotechnical design parameters, and recommends approval of project Geotechnical Clearance conditions that will be implemented into the resolution of approval.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on geology and soils.

(Sources: Geotechnical Review, by City Geotechnical Consultant dated December 9, 2010)

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VII. GREENHOUSE GAS EMISSIONS:

An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

DISCUSSION:

a-b) The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. **Therefore no mitigation is necessary or required.**

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-h) The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. The project is located in a Wildland-Urban Interface Fire Area but would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **Therefore no mitigation is necessary or required in relation to hazards and hazardous materials.**

IX. HYDROLOGY AND WATER QUALITY: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-j) The project will be subject to standard conditions of approval requiring conformance with applicable water quality and hydrology standards. Given these requirements, the project will not a) violate any water quality standards or waste discharge requirements; 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; c-d) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; e) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; f) otherwise substantially degrade water quality; g) place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; h) place within a 100-year flood hazard area structures which would impede or redirect flood flows; 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; or j) be subject to inundation by seiche, tsunami, or mudflow.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Hydrology and Water Quality Resources.

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-c) The project involves an application to create three (3) residential condominiums in addition to a retail pottery business and office unit with apartment above. The project would occur on a 31,978 gross square foot commercial zoned property which allows for mixed-uses. The proposed project would not physically divide an established community or conflict with any habitat conservation or natural community plans of the City of Saratoga. The City of Saratoga General Plan includes numerous goals, objectives and policies to guide new development. The proposed project does not conflict with any goals or policies of the City’s General Plan, Subdivision ordinance or Zoning ordinance. Based on the above discussion, the project does not present the potential for a significant adverse effect on the environment related to land use and planning. **No mitigation is necessary or required in relation to impacts on Land Use and Planning.**

(Sources: Review of the project, Saratoga Municipal Code, Saratoga General Plan Land Use Element)

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-b) The property is not categorized or referenced within the General Plan as having mineral deposits of value to the region and has not been recognized as being a locally important mineral resource recovery site. Based on the above discussion, the project does not present the potential for a significant adverse effect on the environment related to mineral resources. **No mitigation is necessary or required in relation to impacts on Mineral Resources.**

(Sources: Review of the project, Saratoga General Plan Open Space Element)

XII. NOISE: Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-d) The project site is subject to several sources of urban noise including vehicular traffic on Big Basin Way. The project will not a) expose persons to or generation of noise levels in excess of standards established in the City’s general plan or noise ordinance; b) expose persons to or generate excessive groundborne vibration or groundborne noise levels; c) create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; or d) create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. e-f) The project is not located within an airport land use plan or within two miles of a public airport or public use airport or within the vicinity of a private airstrip. Based on the above discussion, **No mitigation is necessary or required in relation to Noise impacts.**

(Sources: Saratoga General Plan Noise Element)

XIII. POPULATION AND HOUSING: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-c) The project involves the demolition of one single-family home and construction of three condominiums, an apartment, and a retail pottery business. The neighborhood includes a mix of single-family homes, multi-family units, and commercial uses. The project does not have the potential to induce substantial population growth, displace substantial numbers of existing housing, or displace substantial numbers of people. Based on the above discussion, the project does not present the potential

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for a significant adverse effect on the environment related to population and housing. **No mitigation is necessary or required in relation to impacts on Population and Housing.**

(Sources: Review of the project, Saratoga General Plan Housing Element)

XIV. PUBLIC SERVICES:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a) Fire protection services are provided by the Santa Clara County Fire District. Development of the project will comply with the most current Building and Fire Code requirements. Police protection is provided by the Santa Clara County Sheriff’s Office, West Valley Division. The project site is already served by the Sheriff’s Office, and development of the project would not affect their ability to provide services. The project site is located in the Los Gatos Union School District and the Saratoga High School District. Development of the project would result in a negligible increase in the number of school age children attending local schools. Park in-lieu fees would be collected for any net increase in residences to help fund improvements to City parks. The City is served by the Santa Clara County Library System, which has a branch library located in Saratoga. Property taxes and assessments fund the library operations.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Public Services.

(Sources: Review of the project, Saratoga General Plan. Saratoga Municipal Code)

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XV. RECREATION:

	Potentially Significant Impact	Less Than Significant with Mitigation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

a-b) The project will not significantly increase the use of existing neighborhood, regional or other recreational facilities, nor does the project require construction or expansion of recreational facilities. The applicant will be required to pay a park in-lieu fee. The project will require dedication of a trail easement to connect with other existing trail easements; however the trail is not expected to have an adverse physical effect on the environment. **Based on the above discussion, No mitigation is necessary or required in relation to impacts on Recreation.**

(Source: Review of the project, Saratoga General Plan Open Space Element)

XVI. TRANSPORTATION/TRAFFIC: Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way**

DISCUSSION:

a-f) The proposed project would include the construction of three condominiums, an apartment, and a retail pottery business. The project is projected to generate a negligible amount of new vehicle traffic. The project will not conflict with any City plan, ordinance, or policy or applicable congestion management program. The proposed project would not result in a change in traffic patterns, substantially increase hazards due to a design feature, or result in inadequate emergency access. The proposed project will not conflict with any adopted policies or plans supporting alternative transportation. **Therefore no mitigation is necessary or required in relation to transportation and traffic.**

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

The project involves demolition of an existing residence and construction of three condominiums, an apartment, and a retail pottery business on a commercial zoned property which allows for mixed-uses. Water supply to the project site is served by Santa Clara Valley Water and sewer services are provided by Cupertino Sanitation District. Development of the proposed project would not significantly increase the demand for water or sanitary sewer facilities. Development of the proposed project would not significantly increase stormwater runoff compared to existing conditions.

a-c) The project would not a) exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; b) require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; c) require or result in the construction of new storm water drainage facilities or expansion of existing facilities;

**City of Saratoga Environmental Initial Study and Negative Declaration
14651 Big Basin Way**

d-g) The project would d) have sufficient water supplies available to serve the project from existing entitlements and resources; e) have adequate capacity to serve the project's projected wastewater treatment demand in addition to the provider's existing commitments; f) be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and g) comply with federal, state, and local statutes and regulations related to solid waste.

Based on the above discussion, No mitigation is necessary or required in relation to impacts on Utilities and Service Systems.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation	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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION:

This environmental document covers the impacts of the proposed development, which includes an application for Design Review to construct three condominiums, an apartment, and a retail pottery business.

GENERAL SOURCE REFERENCES:

1. City of Saratoga General Plan (Land Use, Circulation , Open Space & Conservation, Noise, and Safety Element)
2. City of Saratoga Zoning Ordinance and Map

PROJECT RELATED SOURCES/REFERENCES:

3. Project Plans
4. Arborist Report prepared by Kate Bear, dated January 10, 2012
5. Geotechnical Review and Clearance, dated December 9, 2010

CITY OF SARATOGA
Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070
(408) 868-1222

NOTICE OF PUBLIC HEARING

The City of Saratoga's Planning Commission announces the following public hearing on:

Wednesday, February 22 2012 at 7:00 p.m.

The public hearing will be held in the City Hall Theater located at 13777 Fruitvale Avenue. A site visit will also be held by the Planning Commission at the subject property. Please contact the Planning Department for the date and time of the site visit. The public hearing agenda item is stated below. Details of this item are available at the Saratoga Community Development Department, Monday through Friday 7:30 a.m. – 5:00 p.m. Please consult the City website at www.saratoga.ca.us regarding Friday office closures.

APPLICATION: PDR11-0010, SUB 11-0003
OWNER: John and Sue Kang
ADDRESS/APN: 14651 Big Basin Way; Saratoga, CA 95070 / 503-25-015

PROJECT DESCRIPTION: The project would create three (3) residential condominiums in addition to a commercial retail and office unit with apartment above. The existing residence/office and hardscape would be demolished. Each of the three (3) two-story condominiums would have 2,646 square feet of floor area. The residential apartment would have 1,570 square feet of floor area. Residential common space on the second floor would constitute 195 square feet of floor area. The retail portion of the project would be 1,246 square feet in area. Both the residential and retail portions of the building would be served by a 418 square foot covered entry, 190 square foot trash enclosure, and basement parking garage. A homeowner's association would be formed to maintain both land and the buildings. Three trees protected by City Code have been cleared for removal. The project has been the subject of a Negative Declaration under the California Environmental Quality Act which is available for review by the public from January 23 to February 22, 2012.

All interested persons may appear and be heard at the above time and place. If you challenge a decision of the Planning Commission, you may be limited to raising only those issues you or someone else raised at the Public Hearing.

This notice has been sent to all owners of property within 500 feet of the project that is the subject of this notice. The City uses the official roll produced by the County Assessor's office annually, in preparing its notice mailing lists. In some cases, out-of-date information or difficulties with the U.S. Postal Service may result in notices not being delivered to all residents potentially affected by a project. If you believe that your neighbors would be interested in the project described in this notice, we encourage you to provide them with a copy of this notice. This will ensure that everyone in your Community has as much information as possible concerning this project.

Cynthia McCormick
Assistant Planner
(408) 868-1230



Community Development Department

City of Saratoga
13777 Fruitvale Avenue
Saratoga, California 95070

TO: Agencies, Organizations, and Interested Parties

SUBJECT: Notice of Intent to Adopt/Notice of Availability for an Initial Study/Negative Declaration

This serves as the City of Saratoga (City) Notice of Intent to Adopt an Initial Study/Negative Declaration for the City of Saratoga prepared in accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines and local implementation procedures.

APPLICANT: John and Sue Kang

PROJECT LOCATION: 14651 Big Basin Way; Saratoga, CA 95070

PROJECT NUMBER: PDR11-0010, SUB 11-0003

DESCRIPTION OF PROPOSED PROJECT: The project would create three (3) residential condominiums in addition to a commercial retail and office unit with apartment above. The existing residence/office and hardscape would be demolished. Each of the three (3) two-story condominiums would have 2,646 square feet of floor area. The residential apartment would have 1,570 square feet of floor area. Residential common space on the second floor would constitute 195 square feet of floor area. The retail portion of the project would be 1,246 square feet in area. Both the residential and retail portions of the building would be served by a 418 square foot covered entry, 190 square foot trash enclosure, and basement parking garage. A homeowner's association would be formed to maintain both land and the buildings. Three trees protected by City Code have been cleared for removal.

COPIES AVAILABLE FOR PUBLIC REVIEW:

The Initial Study and proposed Negative Declaration are available for public review at the Planning Department at the City of Saratoga City Hall located at 13777 Fruitvale Avenue, Saratoga, CA, 95070 during normal business hours.

NOTICE IS HEREBY GIVEN THAT the City of Saratoga proposes to adopt a Negative Declaration for the above-cited project. The Negative Declaration is based on the finding that the Project would not have any significant adverse impacts. The reasons to support such a finding are documented by an Initial Study prepared by the City of Saratoga. Copies of the Initial Study, the proposed Mitigated Negative Declaration, and supporting materials are available for review at the City of Saratoga Community Development Department, 13777 Fruitvale Avenue, Saratoga,

California. For questions regarding the Negative Declaration contact:

Cynthia McCormick, Planner
City of Saratoga Community Development Department
13777 Fruitvale Avenue, Saratoga, CA 95070
Tel.: 408-868-1230
Fax: 408-867-8555
E-Mail: cmccormick@saratoga.ca.us

PUBLIC REVIEW PERIOD:

In accordance with the State CEQA Guidelines, any comments concerning the findings of the proposed Initial Study/Negative Declaration must be submitted in writing and received by the City of Saratoga no later than 5:00 p.m. on February 22, 2012, in order to be considered prior to the City’s final determination on the Project. Should you decide to challenge this Project, you may be limited to the issues raised during this public review period.

Please mail or email your written comments to Cynthia McCormick, Planner, City of Saratoga, 13777 Fruitvale Avenue, Saratoga, California 95070; cmccormick@saratoga.ca.us

Starting Date: January 19, 2012 **Ending Date:** February 22, 2012

DATE/TIME PLACE OF PUBLIC HEARING:

The Planning Commission will review the project during a public hearing tentatively scheduled for February 22, 2012 at 7:00 P.M.

Date: _____	Signature: _____
	Name: Cynthia McCormick
	Title: Planner
	Telephone: 408-868-1230

City of Saratoga
Radius Notification Parcel Report

Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
50325007	14573 BIG BASIN WY	BIG BASIN LLC	14573 BIG BASIN WY	SARATOGA, CA 95070
50325008	14577 BIG BASIN WY	FLANAGAN PAUL L AND FRANCES E	14577 BIG BASIN WY	SARATOGA, CA 95070
50325012	14625 BIG BASIN WY	DAVIES C H	PO BOX 2039	SARATOGA, CA 95070
50325013	14639 BIG BASIN WY	ZAMBETTI EUGENE L TRUSTEE	14639 BIG BASIN WY	SARATOGA, CA 95070
50325015	14651 BIG BASIN WY	KANG JONGHOON AND SUE RYUNG	14651 BIG BASIN WY	SARATOGA, CA 95070
50325016	14669 BIG BASIN WY	FITZSIMMONS JOSEPH J TRUSTEE	14611 BIG BASIN WY UNIT E	SARATOGA, CA 95070
50325021	4TH ST	S C V W D	4TH ST	SARATOGA, CA 95070
50325022	20688 4TH ST	PARKER THOMAS E	P O BOX 756	CARDIFF BY THE SEA, CA 92007
50325025	14583 BIG BASIN WY	PETERSEN CATHLEEN M AND MARK J	P.O. BOX 817	LOS GATOS, CA 95031
50325028	14567 BIG BASIN WY	FLANAGAN PAUL L AND FRANCES E	14658 NELSON WY	SAN JOSE, CA 95124
50325029	14675 BIG BASIN WY	FITZSIMMONS JOSEPH J TRUSTEE	14611 BIG BASIN WY UNIT E	SARATOGA, CA 95070
50325031	20655 4TH ST	SARATOGA CITY OF	4TH ST	SARATOGA, CA 95070
50325039	14645 BIG BASIN WY	BAHL ANKUSH K	14645 BIG BASIN WY	SARATOGA, CA 95070
50326015	14471 SPRINGER AV	BARBER ANN D TRUSTEE	14471 SPRINGER AV	SARATOGA, CA 95070
50326018	4TH ST	S C V W D	4TH ST	SARATOGA, CA 95070
50326035	14481 SPRINGER AV	SHISHIDO HIROSHI AND NAZILA TR	104 HILL TOP DR	LOS GATOS, CA 95032
50326048	14491 SPRINGER AV	LIU SHAO-HUNG GERALD AND TAI-H	14491 SPRINGER AV	SARATOGA, CA 95070
50328134	CANYON VIEW DR	SAN JOSE WATER COMPANY	1265 S. BASCOM AVE	SAN JOSE, CA 95128
50359001	BIG BASIN WY	SARATOGA OAKS HOMEOWNERS ASSOC	1935 DRY CREEK RD STE 203	CAMPBELL, CA 95008
50359002	SPRINGER RD	S C V W D	SPRINGER RD	SARATOGA, CA 95070
50359003	SPRINGER AV	SARATOGA OAKS HOMEOWNERS ASSOC	1935 DRY CREEK RD STE 203	CAMPBELL, CA 95008
50360006	14681 SPRINGER AV	NEIDER LEROY J	16285 LOS GATOS BL	LOS GATOS, CA 95032
50360016	14700 SPRINGER AV	SARATOGA OAKS HOMEOWNERS ASSN	1935 DRY CREEK ROAD #203	CAMPBELL, CA 95008
50361001	14630 SPRINGER CT	MARKHOVSKY FELIX AND ISABELLA	14630 SPRINGER CT	SARATOGA, CA 95070
50361002	14632 SPRINGER CT	DOYLE ELKE S	PO BOX 422	OLD LYME, CT 06371
50361003	14634 SPRINGER CT	SHANNON	14634 SPRINGER CT.	SARATOGA, CA 95070
50361004	14636 SPRINGER CT	COMISKY HANNAH S	19324 MONTE VISTA DR	SARATOGA, CA 95070
50361005	14638 SPRINGER CT	DEVINE ANDREW M ET AL	14638 SPRINGER CT	SARATOGA, CA 95070
50361006	14640 SPRINGER CT	SHOOR ENID O	14640 SPRINGER CT	SARATOGA, CA 95070
50361007	14642 SPRINGER CT	NICKERSON	14642 SPRINGER CT	SARATOGA, CA 95070
50361008	14644 SPRINGER CT	IWANAGA ADRIENNE R TRUSTEE	14644 SPRINGER CT	SARATOGA, CA 95070
50361009	14646 SPRINGER CT	DESMOND	14646 SPRINGER CT	SARATOGA, CA 95070

Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
50361010	14648 SPRINGER CT	BAGNATO PATRICIA L TRUSTEE	235 NOB HILL AV	LOS GATOS, CA 95032
50361011	14662 SPRINGER AV	HLAVA JOYCE A TRUSTEE	14662 SPRINGER AV	SARATOGA, CA 95070
50361012	14664 SPRINGER AV	COAKLEY RUBY TRUSTEE	P O BOX 392	SARATOGA, CA 95071
50361013	14666 SPRINGER AV	SYVERTSON CLARENCE A TRUSTEE &	14666 SPRINGER AV	SARATOGA, CA 95070
50361014	14668 SPRINGER AV	GREY LEE S TRUSTEE	14668 SPRINGER AV	SARATOGA, CA 95070
50361015	14670 SPRINGER AV	THOMPSON KAREN AND JAMES	14670 SPRINGER AV	SARATOGA, CA 95070
50361016	14656 SPRINGER AV	WOODRUFF ROSEMARIE	14656 SPRINGER AV	SARATOGA, CA 95070
50361017	14654 SPRINGER AV	CHAMPION DENNIS W TRUSTEE	14654 SPRINGER AV	SARATOGA, CA 95070
50361018	14652 SPRINGER AV	COMBS ROY E AND ANN TRUSTEE	PO BOX 308	SARATOGA, CA 95071
50361019	14650 SPRINGER AV	HARTLEY YASUKO F TRUSTEE	14650 SPRINGER AV	SARATOGA, CA 95070
50361020	14636 PLACIDA CT	KLEINMAN PHYLLIS AND KLEINMAN	14636 PLACIDA CT	SARATOGA, CA 95070
50361021	14638 PLACIDA CT	FLORSHEIM MARY F	14638 PLACIDA CT	SARATOGA, CA 95070
50361022	14640 PLACIDA CT	MAO	14640 PLACIDA CT	SARATOGA, CA 95070
50361023	14642 PLACIDA CT	SALVADORE STEPHANIE A	14642 PLACIDA CT	SARATOGA, CA 95070
50361024	14644 PLACIDA CT	FRANCIS HELEN G FBO FRANCIS BY	14644 PLACIDA CT	SARATOGA, CA 95070
50361025	14646 PLACIDA CT	HARPER ERNEST T AND ROSEMARY P	14646 PLACIDA CT	SARATOGA, CA 95070
50361026	14648 PLACIDA CT	KLEINMAN PROPERTIES LP	14648 PLACIDA CT	SARATOGA, CA 95070
50361027	14650 PLACIDA CT	BALLARD MICHAEL AND KELLIE	PO BOX 59664	POTOMAC, MD 20859
50361028	14652 PLACIDA CT	SANDER THOMAS B AND GERDA M	14652 PLACIDA CT	SARATOGA, CA 95070
50361029	14654 PLACIDA CT	POKHARNA	14654 PLACIDA CT.	SARATOGA, CA 95070
50361030	14656 PLACIDA CT	BINKLEY, ODE	14656 PLACIDA CT	SARATOGA, CA 95070
50361031	14658 PLACIDA CT	GUNDERSON PHYLLIS A AND GALEN	14658 PLACIDA CT	SARATOGA, CA 95070
50361032	14660 WILD BERRY LN	SMITH CHARLES A AND KAREN A TR	14660 WILD BERRY LN	SARATOGA, CA 95070
50361033	14662 WILD BERRY LN	BRUBAKER ADA M TRUSTEE	14662 WILD BERRY LN	SARATOGA, CA 95070
50361034	14664 WILD BERRY LN	GOLDSTEIN JANET TRUSTEE	14664 WILD BERRY LN	SARATOGA, CA 95070
50361035	14666 WILD BERRY LN	TAYLOR RAYMOND M JR	14666 WILD BERRY LN	SARATOGA, CA 95070
50367001	14605 BIG BASIN WY	FITZSIMMONS KATHLEEN A	14605 BIG BASIN WY	SARATOGA, CA 95070
50367002	14611 A BIG BASIN WY	FITZSIMMONS KATHLEEN A	14605 BIG BASIN WY	SARATOGA, CA 95070
50367003	14611 B BIG BASIN WY	FITZSIMMONS MICHAEL D	165 SUMMERFIELD ST	DANVILLE, CA 94506
50367004	14611 C BIG BASIN WY	FITZSIMMONS KATHLEEN A	14605 BIG BASIN WY	SARATOGA, CA 95070
50367005	14611 D BIG BASIN WY	BOSCOE MARY B	PO BOX 2423	SARATOGA, CA 95070
50367006	BIG BASIN WAY	AT&T	3475B North First Street	San Jose, CA 95134
50376001	14585 BIG BASIN WY	LIN FENG-YING CHEN ET AL	603 FOREST AV	PALO ALTO, CA 94301
50376002	14587 BIG BASIN WY	CHOW EUGENE AND CHI TELLY T TR	1125 HUMBOLDT RD	BRISBANE, CA 94005
50376003	14589 BIG BASIN WY	KWEI CATHERINE Y TRUSTEE & ET	1125 HUMBOLDT RD	BRISBANE, CA 94005

Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
50376004	14591 BIG BASIN WY	HSU DORA HUI-I	14591 BIG BASIN WY	SARATOGA, CA 95070
50376005	14593 BIG BASIN WY	RUBENSTEIN MICHAEL J TRUSTEE	14593 BIG BASIN WY	SARATOGA, CA 95070
50376006	14595 BIG BASIN WY	CALVO OVIDIO R JR AND WENDY	14595 BIG BASIN WY	SARATOGA, CA 95070
50376007	14597 BIG BASIN WY	HIRTH MARK W	14597 BIG BASIN WY	SARATOGA, CA 95070
50376008	14599 BIG BASIN WY	STEPANCHENKO VADIM D ET AL	14599 BIG BASIN WY UNIT H	SARATOGA, CA 95070
50376009	14601 BIG BASIN WY	CHEN JUNE F	PO BOX 2963	SARATOGA, CA 95070
51707007	20820 BIG BASIN WY	DUTRO MARY L TRUSTEE & ET AL	20825 PAMELA WY	SARATOGA, CA 95070
51707010	20761 PAMELA WY	WHEATLEY SANDRA AND SMERDON GA	20761 PAMELA WY	SARATOGA, CA 95070
51707011	20777 PAMELA WY	UENAKA ROBERT T AND KATHLYNN T	20777 PAMELA WY	SARATOGA, CA 95070
51707012	20793 PAMELA WY	MALLARD JOHN H AND JULIE E TRU	20793 PAMELA WY	SARATOGA, CA 95070
51707013	20801 PAMELA WY	NOBLES DON W JR AND TRACY G	20801 PAMELA WY	SARATOGA, CA 95070
51707014	20825 PAMELA WY	DUTRO MARY L TRUSTEE	20825 PAMELA WY	SARATOGA, CA 95070
51708001	20701 ST CHARLES ST	MARCHETTI WALTER S AND MARILYN	20701 ST CHARLES ST	SARATOGA, CA 95070
51708002	14662 6TH ST	PALLA LOUISE	8350 RAINTREE AV	RIVERSIDE, CA 92504
51708003	14656 6TH ST	PALLA LOUISE	8350 RAINTREE AV	RIVERSIDE, CA 92504
51708004	14650 6TH ST	MAULDIN MICHAEL AND CAROL	15345 BOHLMAN RD	SARATOGA, CA 95070
51708005	14630 BIG BASIN WY	LONG RUTH M TRUSTEE	PO BOX 2095	SARATOGA, CA 95070
51708010	14590 BIG BASIN WY	BEHNKE FRANK	14510 BIG BASIN WY UNIT 161	SARATOGA, CA 95070
51708011	14584 BIG BASIN WY	STAUSS CHARLES J AND ELSBETH R	P.O. BOX 1848	LOS GATOS, CA 95031
51708018	14701 OAK ST	ALEXANDER JEANNE TRUSTEE	14701 OAK ST	SARATOGA, CA 95070
51708023	14706 6TH ST	RINGSRUD RON AND LINDA A	14706 6TH ST	SARATOGA, CA 95070
51708024	14700 ST CHARLES ST	GINOUVES PAUL T AND FRANCIS GW	14700 ST CHARLES ST	SARATOGA, CA 95070
51708025	20731 ST CHARLES ST	ESTAHBANATY MOHAMMAD	14240 ELVA AENUE	SARATOGA, CA 95070
51708048	14626 BIG BASIN WY	HERNANDEZ GLADYS P ET AL	19641 CHARTERS AV	SARATOGA, CA 95070
51708053	20713 ST CHARLES ST	PADWEKAR KETAN A AND SHILPA K	20713 ST CHARLES ST	SARATOGA, CA 95070
51708054	20723 ST CHARLES ST	HOFFMAN MARC	20723 ST CHARLES ST	SARATOGA, CA 95070
51708055	20729 ST CHARLES ST	HARDISTY OSCAR AND ELAINE	20729 ST CHARLES ST	SARATOGA, CA 95070
51708056	20719 ST CHARLES ST	GOPAL NANDA ET AL	20719 ST CHARLES ST	SARATOGA, CA 95070
51708058	ST CHARLES ST	BEHNKE CHARLES A SR AND DORIS	13691 BEAUMONT AV	SARATOGA, CA 95070
51708065	14602 BIG BASIN WY	KNIGHT DELOS L III AND DAY PEG	14602 BIG BASIN WY	SARATOGA, CA 95070
51708066	14608 BIG BASIN WY	WANG TSAOYU AND TENG FUJU	14608 BIG BASIN WY	SARATOGA, CA 95070
51708067	14610 BIG BASIN WY	BLOXHAM ALDEN T AND MARCELLE T	P O BOX 333	SARATOGA, CA 95071
51708068	14598 BIG BASIN WY	SRINIVASAN S AND MALINI TRUSTE	14598 BIG BASIN WY UNIT C	SARATOGA, CA 95070
51708069	14598 BIG BASIN WY #A	SRINIVASAN S AND MALINI TRUSTE	14598 BIG BASIN WY UNIT C	SARATOGA, CA 95070
51708070	14598 BIG BASIN WY	SRINIVASAN S AND MALINI TRUSTE	14598 BIG BASIN WY UNIT C	SARATOGA, CA 95070

Parcel Number	Parcel Address	Owner Name	Owner Address	Owner City, State Zip
51708077	20711 SAINT CHARLES ST	MORIARTY JOSEPH	20711 SAINT CHARLES ST UNIT 5	SARATOGA, CA 95070
51708078	20705 ST. CHARLES ST	QUESNEL GREGORY L TRUSTEE	PO BOX 555	SARATOGA, CA 95071
51708079	14612 BIG BASIN WY	NAZARI HORMOZ AND ROUSSANA	15492 MONTE VISTA CT	SARATOGA, CA 95070
51708080	14618 BIG BASIN WY	TRAFALGAR INC	247 N THIRD ST	SAN JOSE, CA 95112
51708081	14620 BIG BASIN WY	SERMONE RICHARD	14620 BIG BASIN WY	SARATOGA, CA 95070
50325007	14573 BIG BASIN WY B	BIG BASIN LLC	14573 BIG BASIN WY	SARATOGA, CA 95070
50325008	14577 BIG BASIN WY D	FLANAGAN PAUL L AND FRANCES E	14577 BIG BASIN WY	SARATOGA, CA 95070

109 Affected Parcels

LIST OF AGENCIES RECEIVING COPIES OF THE SUBDIVISION MAP

West Valley Sanitation District
100 E. Sunnyoaks Avenue
Campbell, CA 95008

Pacific Gas & Electric
San Jose Land Rights Office
111 Almaden Blvd. Rm. 814
San Jose, CA 95115

California Department of Transportation
P.O. Box 23600
Oakland, CA 94623-0660

San Jose Water Company
1221 South Bascom Avenue
San Jose, CA 95128

Santa Clara County Department of Environmental Health
P.O. Box 26070
San Jose, CA 95159-6070

Santa Clara Valley Water District
Community Project Review
5750 Almaden Expressway
San Jose, CA 95118

Santa Clara County Health Department
2220 Moorpark Avenue
San Jose, CA 95128

Los Gatos - Saratoga Joint Union High School District
17421 Farley Road West
Los Gatos, CA 95030

Saratoga Union School District
20460 Forrest Hills Drive
Saratoga, CA. 95070

NEIGHBORHOOD REVIEW PROCESS REPORT

This report is to show the result of the Neighborhood Review Requirement for the Building Project at 14651 Big Basin Way (hereinafter the "Property").

On August 18, 2010, Jonghoon John Kang, the owner of the Property sent a package of information with self-addressed return envelope to each neighbor. The contents of the package is shown in the Appendix 2. The recipient list is shown at the Appendix 1.

Total of 13 packages have been sent out. As of September 20, total of 4 neighbors responded with the signed form. The responses were generally positive. The actual copies of the signed form are attached as Appendix 3.

In conclusion, all 13 neighbors were notified and 31% responded with positive answers. The rest of the neighbors did not responded.



John Kang

Enclosure:

Appendix 1: List of the Addressee

Appendix 2: Contents of the Package sent

Appendix 3: Copies of Responses

Neighbor List

Date	Task
<input type="checkbox"/>	8/18/10 Phyllis Helmut
<input type="checkbox"/>	8/18/10 Masha Elsmere
<input type="checkbox"/>	8/18/10 Unknown Neighbor
<input type="checkbox"/>	8/18/10 14641 Big Basin Way, Saratoga, CA 95070
<input type="checkbox"/>	8/18/10 14645 Big Basin Way, Saratoga, CA 95070
<input type="checkbox"/>	8/18/10 Suite A, 14666 Big Basin Way
<input type="checkbox"/>	8/18/10 Suite B, 14666 Big Basin Way
<input type="checkbox"/>	8/18/10 Suite C, 14666 Big Basin Way
<input type="checkbox"/>	8/18/10 Suite D, 14666 Big Basin Way
<input type="checkbox"/>	8/18/10 Suite E, 14666 Big Basin Way
<input type="checkbox"/>	8/18/10 Suite F, 14666 Big Basin Way
<input type="checkbox"/>	8/18/10 Suite 23, 20812 Rocky Creek Way,
<input type="checkbox"/>	8/18/10 Suite 25, 20812 Rocky Creek Way,

**City of Saratoga
Neighbor Notification Form**

PROJECT ADDRESS: 14651 Big Basin Way

Dear Neighbor,

I am proposing a project at the above stated address and would like to provide you with an opportunity to review the proposal and provide comments. All of the adjacent neighbors and the neighbors across the street from the property are being provided this notice as a courtesy in advance of the standard City Notice which will be sent out prior to a decision being made on the project.

I ask that you familiarize yourself with the preliminary plans for the project. These plans are **PRELIMINARY ONLY** and may be changed as the project moves forward. You may contact the City of Saratoga's Planning Division at any time to review any changes that may occur.

The City of Saratoga asks that this form and a reduced set of plans be signed by each neighbor to indicate that they have had an opportunity to review the proposal. Please be advised that these plans are preliminary and may change. If you have further interest in the project, you may contact the City of Saratoga at 408-868-1222 and speak with the assigned project planner.

My signature below certifies that I am aware of the proposed project and have reviewed the preliminary project plans.

Neighbor Name: Anne Cherry Date: August 23, 2010

Signature: Anne Cherry

Neighbor Address:

14651 Big Basin Way, Suite C

Saratoga, Calif 95070 Neighbor Phone #: 691-2809

If I have any initial concerns with the project I may list them below. My concerns are the following (please attach additional sheets if necessary):

Signaged Construction - Regular Weekend Pickups During Building
(Reasonable Hours)

Applicant Name: _____ Date: _____

Application Number: _____

**City of Saratoga
Neighbor Notification Form**

PROJECT ADDRESS: _____

Dear Neighbor,

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*I ask that you familiarize yourself with the preliminary plans for the project. These plans are **PRELIMINARY ONLY** and may be changed as the project moves forward. You may contact the City of Saratoga's Planning Division at any time to review any changes that may occur.*

The City of Saratoga asks that this form and a reduced set of plans be signed by each neighbor to indicate that they have had an opportunity to review the proposal. Please be advised that these plans are preliminary and may change. If you have further interest in the project, you may contact the City of Saratoga at 408-868-1222 and speak with the assigned project planner.

My signature below certifies that I am aware of the proposed project and have reviewed the preliminary project plans.

Neighbor Name: Deanne Heaslip Date: 5/28/10

Signature: Deanne Heaslip

Neighbor Address:

14666 A Hwy 9

SARATOGA Neighbor Phone #: _____

If I have any initial concerns with the project I may list them below. My concerns are the following (please attach additional sheets if necessary):

Applicant Name: _____ Date: _____

Application Number: _____

City of Saratoga
Neighbor Notification Form

PROJECT ADDRESS: 14651 Big Basin Way

Dear Neighbor,

I am proposing a project at the above stated address and would like to provide you with an opportunity to review the proposal and provide comments. All of the adjacent neighbors and the neighbors across the street from the property are being provided this notice as a courtesy in advance of the standard City Notice which will be sent out prior to a decision being made on the project.

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The City of Saratoga asks that this form and a reduced set of plans be signed by each neighbor to indicate that they have had an opportunity to review the proposal. Please be advised that these plans are preliminary and may change. If you have further interest in the project, you may contact the City of Saratoga at 408-868-1222 and speak with the assigned project planner.

My signature below certifies that I am aware of the proposed project and have reviewed the preliminary project plans.

Neighbor Name: MARSHA ELSMERE Date: 8-19-2010

Signature: Marsha Elsmere

Neighbor Address: 14609 Big Basin Way #C

Saratoga CA Neighbor Phone #: 408 499 6363

If I have any initial concerns with the project I may list them below. My concerns are the following (please attach additional sheets if necessary):

Enjoy the process of building your dream ☺

Applicant Name: _____ Date: _____

Application Number: _____

**City of Saratoga
Neighbor Notification Form**

PROJECT ADDRESS: 14651 Big Basin Way

Dear Neighbor,

I am proposing a project at the above stated address and would like to provide you with an opportunity to review the proposal and provide comments. All of the adjacent neighbors and the neighbors across the street from the property are being provided this notice as a courtesy in advance of the standard City Notice which will be sent out prior to a decision being made on the project.

I ask that you familiarize yourself with the preliminary plans for the project. These plans are **PRELIMINARY ONLY** and may be changed as the project moves forward. You may contact the City of Saratoga's Planning Division at any time to review any changes that may occur.

The City of Saratoga asks that this form and a reduced set of plans be signed by each neighbor to indicate that they have had an opportunity to review the proposal. Please be advised that these plans are preliminary and may change. If you have further interest in the project, you may contact the City of Saratoga at 408-868-1222 and speak with the assigned project planner.

My signature below certifies that I am aware of the proposed project and have reviewed the preliminary project plans.

Neighbor Name: Charles Moore Date: 8/26/10

Signature: [Handwritten Signature]

Neighbor Address: 14641 Big Basin

Neighbor Phone #: 872 0529

If I have any initial concerns with the project I may list them below. My concerns are the following (please attach additional sheets if necessary):

① Early morning noise ② Un clean work site.

[PS: I am a
rentor, not
an owner]

Applicant Name: _____ Date: _____

Application Number: _____

FROM THE DESK OF
JONGHOON JOHN KANG

August 18, 2010

Suite E
14666 Big Basin Way
Saratoga, CA 95070

Dear Neighbor,

Hello, my name is John Kang and I live at 14651 Big Basin Way. I am with a small high tech start up and my wife, Sue, is a professional pottery artist and an interior designer. You might have noticed her truck going up and down in the Big Basin Way.

Sue and I have been dreaming of developing our home into a beautiful commercial/residential property where Sue can open a small gallery/studio.

We have finally decided to go ahead and put our dream into reality. I think Mr. Tom Sloan, a well known architect, did a marvelous job turning our home into a beautiful commercial/residential project which can be a wonderful addition to the Village. He also made sure that every corner of this plan conforms the strict regulation of the City.

As we plan to go ahead and submit this plan to the City in sometime September, I thought it would be good to have a chance to show you our plan and listen to your feedback. Attached is the renderings of the plan, front and back. Please review them and let us know what you think. The best way is to jot down your thoughts in the attached form and return it to us using the enclosed envelope. You can always call me at 408-202-8079, also.

As you probably are, we are proud to be residents of the Historic Village. We did our best to retain the beauty of Village and yet help it to be developed to be a lively and vibrant one. I hope you feel the same way about this project.

Sincerely,



John Kang



Community Development Department
City of Saratoga
13777 Fruitvale Avenue
Saratoga, California 95070

ARBORIST REPORT

It is the responsibility of the owner, architect and contractor to be familiar with the information in this report and implement the required conditions.

Prepared by Kate Bear, City Arborist
Phone: (408) 868-1276
Email: kbear@saratoga.ca.us

Application #: **ARB10-0050**
Site: **14651 Big Basin Way**
Owner: John and Sue Kang
APN: 503-23-015
Email: mindfool@gmail.com

Report History: #1
#2 – This report replaces report #1

#3 – This report replaces report #2
#4 – This report reviews plans provided Dec. 22, 2011.
There are no major changes required.

Date: August 23, 2011
Revised drawings received by the
City October 19, 2011
December 7, 2011
December 20, 2011

Report completed January 10, 2012

PROJECT SCOPE

The applicant has submitted plans to remove the existing house and build three new two-story condominiums and one two story condominium with first floor retail. Each condominium will have basement parking.

On December 20, 2011 I met with the architect and owner on site to inspect the trees and their locations to the proposed project. We discussed special construction methods which will be used near the trees to adequately protect them.

Three trees (#2, 7 and 10) protected by City Code are requested for removal to construct the project. They meet the criteria for removal, and may be removed and replaced once Building Division permits have been issued for the project. See the Findings section below for details.

CLEARANCE – with conditions

This project has clearance to proceed from the arborist, with the conditions noted below in the requirements section.

PLAN REVIEW

Plans Reviewed:

Architectural plans submitted for this project were prepared by Metro Design Group and revised December 22, 2011. A Boundary Survey (Sheet T-1) was prepared by JLK Associates and dated August 5, 2007. Civil plans were prepared by Westfall Engineers, Inc. and dated December 2011.

Architectural plan sheets reviewed for this report include Sheet A-1, Cover Sheet; Sheet A-2, Site Plan; Sheet A-2.1, Arborist Report; Sheet A-3, Proposed Basement/Parking Plan; Sheet A-3.1, Proposed First

Floor Plan; Sheet A-3.2, Proposed Second Floor Plan; Sheets 5, 5.1, and 5.2, Exterior Elevations; and Sheets 6 and 6.1, Sections.

Civil plans reviewed for this report include Sheet C-1, Tentative Map; and Sheet C-2, Preliminary Grading and Drainage Plan.

A dissipater structure is indicated in the lower part of the property. To best protect the surrounding trees, it should be placed so that it is outside of the canopy of any protected tree. Excavation should occur by hand around the edges of the dissipater pit to a depth of two feet. Roots that measure two inches or greater should be left intact and worked around. Smaller roots may be cut using a sharp pruning tool.

TREE INFORMATION

Tree Inventory:

Ten trees protected by City Code were inventoried for this report. Inventoried trees include three coast live oaks (#1, 8 and 9), two Chinese tallow trees (#2 and 3), three coast redwoods (#4, 5 and 6), one Japanese maple (#7) and one European olive (#10). Data for each tree is included in the Tree Inventory Table at the end of this report. Their locations are shown on the attached site map.

Tree Removals:

Three trees, Chinese tallow #2, Japanese maple #7 and European olive #10, are requested for removal to construct the project. Whenever a tree is requested for removal to construct a project, certain findings must be met. A list of criteria permitting the removal of trees is attached to the end of this report. See the Findings section below for a detailed discussion of trees #2, 7 and 10.

Tree Protection:

Tree #1 is a coast live oak in good condition in the front of the property. This tree significantly enhances the aesthetic appeal of the street. The architect has marked the location for the proposed driveway ramp to the underground parking. It is nearly 11 feet from the trunk of the tree and at the edge of the tree's canopy. This is sufficient to adequately protect the tree if the following measures are taken. A trench along the line of excavation should be dug by hand to a depth of 3 feet, and roots from the oak tree cut prior to performing any excavation for the ramp. After they have been cut, jute netting or burlap must be placed over the cut roots and kept wet until the area is backfilled. In addition, to mitigate the loss of roots, this tree should be watered along the area of the driveway cut within a week of performing the cut if the work will be done between mid-summer and fall. Walkways under this tree should remain on top of grade and be created of pervious materials, such as decomposed granite or pavers on sand.

Trees #2 and 3 are Chinese tallow trees in fair condition that grow in the park strip between the sidewalk and the curb and are protected by City Code. Tree #2 is in conflict with the ramp to the parking garage. It meets the criteria for removal and replacement as part of the project (see the Findings section below). Tree #3 can be adequately protected with chain link fencing during construction.

Trees #4, 5 and 6 are redwood trees in very good condition. In order to best protect them special measures must be implemented. The architect has indicated that the project will implement techniques for excavating the basement that do not require any excavation beyond the line of the basement wall. A field inspection of measurements indicated that the buildings are located farther from the trees than initially believed, which is better for them and can provide them adequate

protection. A trench should be hand dug to a depth of three feet along the line of the wall for the basement, exposing roots without cutting them. Roots should be cut using a sharp pruning tool, covered with burlap or jute netting (as for the driveway), and kept moist until the wall is completed.

Tree #7 is a multi-trunked Japanese maple in good condition. It is also in conflict with the project. It is not possible to keep this tree and still build the project. It meets the criteria (see Findings below) for removal, and may be removed to construct the project.

Tree #8 is a coast live oak in good condition on the neighbor's property. The civil plans show drainage for the proposed building under the dripline of this tree. To best protect this tree the following conditions should be met. Excavation for drainage around the building should remain outside of the dripline for this tree or utilize special measures such as boring, or excavation by hand or an Air Spade (a pneumatic device that blows soil away from roots using compressed air and water). This roots intact, so that roots measuring 2 inches or greater can be retained and preserved. Drain pipes can be installed underneath exposed, intact roots after excavation or boring.

Tree #9 is a coast live oak in good condition. It can be adequately protected with tree protection fencing during construction.

Tree #10 is an olive tree in fair condition sandwiched between the existing house and the property line. It cannot be adequately protected with fencing for the project, and does not serve the site sufficiently to be retained. The site would be better served with new trees equal to its appraised value following construction. It meets the criteria for removal (see Findings below).

Security Deposit for the Projection of Trees:

Per City Ordinance 15-50.080, a Tree Protection security deposit equal to 100% of the appraised value of trees impacted by the project is required. Owner shall obtain, and file with the Community Development Director, the required security deposit prior to the receipt of building permits. The security deposit may be in the form of a savings account, a certificate of deposit account or a bond. The required security deposit for this project is **\$78,890** and is the total appraised value of trees #1, 3, 4, 5, 6, and 8. This deposit will be held until completion of the project and acceptance by the City.

Appraisals:

Appraised values were calculated using the *Trunk Formula Method* and according to the *Guide for Plant Appraisal, 9th Edition*, published by the International Society of Arboriculture (ISA), 2000. This was used in conjunction with the *Species Classification and Group Assignment*, published by the Western Chapter of the ISA, 2004.

FINDINGS

Tree Removal

Per Article 15-50.080 of the City Code, the project was reviewed for the removal of trees #2, 7 and 10. Tree #2 is a Chinese tallow tree that is a City maintained street tree, tree #7 is a multi-trunked Japanese maple, and tree #10 is an olive tree. The table below summarizes the criteria met allowing the removal of each tree. Tree removal criteria that must be met to allow the removal of a tree are attached to the end of this report for reference. Trees #2, 7 and 10 meet the criteria overall for removal and may be removed and replaced as part of this project.

Summary of tree removal met by each tree requested for removal.

Tree #	Criteria met	Criteria not met	Criteria not pertinent
2	1, 4, 5, 7, 9	2, 6	3, 8
7	1, 4, 6, 7, 9	2, 5	3, 8
10	1, 2, 4, 6, 7, 9	5	3, 8

Tree #2 – Chinese tallow tree: This tree is a young street tree growing in the park strip between the curb and the sidewalk and is maintained by the City. It has fair structure, and a new tree in this location would do more to enhance the appearance of the street and the property than retention of this tree.

Tree #2 is a young tree in fair condition which is in conflict with the proposed driveway to the underground parking for the project, so it meets criterion #1. It does not threaten damage to any structures, so it does not meet criterion #2. Criterion #3 is not a consideration in this situation, in that erosion and drainage are not issues. Removal of this tree would improve the aesthetic appearance of the site and would have an insignificant impact on the shade and privacy of the property, so it meets criterion #4. Criterion #5 is met in that this tree is close to the oak (tree #1) and will be shaded by it. The alternative to removing this tree is to redesign the project with the ramp to the parking on the other side of the lot using the existing driveway, so it does not meet criterion #6. Removal and replacement of tree #2 is consistent with the intent of this article, which is to replace trees if it is not practical to retain and preserve them (criterion #7). There is no public health or safety issue with respect to this tree so criterion #8 does not pertain to this situation. Removal of this tree provides economic enjoyment to the property owners so it does meet criterion #9.

Tree #7 - Japanese maple: This is a multi-trunked tree in good condition that is in conflict with the proposed buildings and parking garage. Construction of the basement garage and new buildings cannot occur without removal of this tree, so it meets criterion #1. The tree does not threaten damage to the property so it criterion #2 is not met. Erosion and drainage for the property will be addressed in conjunction with construction of the new garage and buildings, so criterion #3 does not pertain to the situation. Removal of this tree will have an insignificant impact on the site overall, and there are other trees, of native species, that are a good size and condition and can be preserved, so removal of this tree does satisfy criterion #4. This tree is not crowded by other trees so it does not meet criterion #5. There is no feasible alternative to removing this tree that would allow the construction of the project. The hillside is too steep to allow a tree spade in to transplant the tree, and there is no room on the property to plant it, so it meets criterion #6. Removal of this tree meets the intent of the tree regulations which is to replace trees that cannot be retained and preserved, so it does meet criterion #7. There are no public health and safety issues with respect to this tree, so this criterion is not met. Removal of this tree and replacement with new trees does satisfy criterion #9, in that it is necessary to remove this tree for the owners to realize economic and other enjoyment of the property.

Tree #10 – European olive: Tree #10 is an olive tree in fair condition that grows right next to the existing building between it and the property line. This tree is in conflict with the proposed new building so it meets criterion #1. It threatens damage to the existing building if no project is built, so it meets criterion #2. Erosion control will be address by drainage around the building, so criterion #3 does not pertain to this situation. Removal of this tree will have an insignificant impact on the site overall, and there are other trees of native species in good condition that can be preserved, so removal of this tree does satisfy criterion #4. This tree is not crowded by other trees so it does not meet criterion #5. There are no feasible alternatives to removing the tree, in that, although this

species transplants well, it is not in good enough condition to warrant its preservation, so it meets criterion #6. Removal of this tree and replacement with new trees meets the intent of the tree regulations so it does meet criterion #7. This tree does not present a public health and safety issue, so criterion #8 does not pertain to the situation. Removal of this tree meets criterion #9, in that its removal is necessary for economic and other enjoyment of the property and there is no feasible alternative.

Replacement Trees:

Trees #2, 7 and 10 have a total appraised value of **\$13,820**. It is acceptable to remove these trees and plant new trees equal to their appraised value as part of the project. No trees may be removed until all applicable permits have been obtained. Replacement values for new trees can be found at the bottom of the Tree Inventory Table. Replacement trees may be planted anywhere on the property. If there is insufficient room to plant the required number of trees, some or all of the replacement value may be paid into the City's Tree Fund in lieu of new trees.

New Construction

Per Section 15-50.120 of the City Code, the project complies with the requirements for the setback of new construction from existing trees. Special methods will be implemented to minimize excavation near trees and the impact of construction by trees.

REQUIREMENTS

1. This entire report, including the Tree Inventory Table and map showing locations of trees and protective fencing, shall be incorporated into the final set of plans and titled "Tree Preservation". The previous reports do not need to be included in the final plan set.

2. Tree Protection Security Deposit - **\$78,890**
 - a. Owner shall obtain, and file with the Community Development Director, a Tree Protection security deposit for trees #1, 3, 4, 5, 6 and 8, prior to obtaining Building Division permits.
 - b. The tree protection security deposit shall remain in place for the duration of construction of the project to ensure the protection of the trees.
 - c. Once the project has been completed, inspected and approved by the City, the bond will be released.

3. Tree Protection Fencing:
 - a. Shall be installed as shown on the attached map.
 - b. Shall be established prior to the arrival of construction equipment or materials on site.
 - c. Shall be comprised of six-foot high chain link fencing mounted on eight-foot tall, 1 7/8-inch diameter galvanized posts, driven 24 inches into the ground and spaced no more than 10 feet apart.
 - d. Shall be posted with signs saying "TREE PROTECTION FENCE - DO NOT REMOVE WITHOUT APPROVAL FROM CITY ARBORIST".
 - e. Call City Arborist, Kate Bear at (408) 868-1276 for an inspection of tree protection fencing once it has been installed. This is required prior to obtaining building division permits.
 - f. Tree protection fencing shall remain undisturbed throughout the construction until final inspection. If contractor feels that work must be done inside the fenced area, call City Arborist to arrange a field meeting.

4. No protected tree authorized for removal or encroachment pursuant to this project may be removed or encroached upon until the issuance of the applicable permit from the building division for the approved project.
5. Applicant is responsible for protecting trees per City Code Article 15-50 on all construction work. Receipt of a Planning or Building permit does not relieve applicant of his responsibilities under this Code.
6. Utilities shall be shown on the plans. Utilities include, but are not limited to, electrical, drainage, water, sewer, gas and irrigation for landscaping.
7. The storm water dissipation structure and pipes leading to it shall be placed outside of the canopies of protected trees. Excavation for the pipes to this structure shall be dug by hand to a depth of two feet where under the canopy of a protected tree (e.g. #9), leaving roots intact. Pipes shall be placed under roots.
8. No excavation is permitted under the canopy of any protected tree on site for the installation of utilities without prior approval from the City Arborist. Approval shall be obtained before any work takes place. Failure to do so may lead to a hold on the Tree Protection Security Deposit put in place by the property owner for a period of up to five years after the completion of construction.
9. Excavation for the building, driveway, drainage dissipater or other aspects of the project that are near to trees shall be done in the following manner:
 - a. If work is being done between July 1 and October 1, one week prior to digging a trench (see 'b' below), trees shall be watered thoroughly along the area where the digging will occur. Water with 10 gallons of water per inch of trunk diameter. Watering may be done with a soaker hose.
 - b. A trench shall be dug by hand to a depth of three feet, leaving all roots measuring 1 inch or more in diameter intact.
 - c. Roots shall be cut using a sharp pruning tool.
 - d. After cutting roots, they shall be covered with jute netting or burlap and kept moist until walls of driveway or building are completed.
 - e. Work shall be supervised by an ISA Certified arborist and a letter provided to the City documenting that this procedure was followed.
10. Trees #2, 7 and 10 meet the criteria for removal and may be removed once Building Division permits have been obtained.
11. New trees equal to **\$13,820** shall be planted as part of the project. Replacement values for new trees can be found at the bottom of the Tree Inventory Table attached to the end of this report.
12. If there is insufficient room on the property to plant the required number of new trees, some or all of the replacement value may be paid into the City's Tree Fund.

13. Unless otherwise approved by the City Arborist, all construction activities must be conducted outside the designated fenced area (even after fencing is removed). These activities include, but are not necessarily limited to, the following: demolition, grading, trenching, equipment cleaning, stockpiling and dumping materials (including soil fill), and equipment/vehicle operation and parking.
14. Any permitted pruning or root pruning of trees on site shall be performed under the supervision of an ISA Certified Arborist and according to ISA standards.
15. The disposal of harmful products (such as chemicals, oil and gasoline) is prohibited under tree canopies or anywhere on site that allows drainage to areas under tree canopies. Herbicides shall not be applied under tree canopies.
16. At the end of the project, when the contractor wants to remove tree protection fencing, call City Arborist for a final inspection.

ATTACHMENTS:

Tree Removal Criteria

Tree Inventory Table

Map showing tree locations and protective fencing

TREE REMOVAL CRITERIA

Criteria that permit the removal of a protected tree are listed below. This information is from Article 15-50.080 of the City Code and is applied to any tree requested for removal as part of the project. If findings are made that meet the criteria listed below, the tree(s) may be approved for removal and replacement during construction.

- (1) The condition of the tree with respect to disease, imminent danger of falling, proximity to existing or proposed structures and interference with utility services;
- (2) The necessity to remove the tree because of physical damage or threatened damage to improvements or impervious surfaces on the property;
- (3) The topography of the land and the effect of the tree removal upon erosion, soil retention and the diversion or increased flow of surface waters, particularly on steep slopes;
- (4) The number, species, size and location of existing trees in the area and the effect the removal would have upon shade, privacy impact, scenic beauty, property values, erosion control, and the general welfare of residents in the area;
- (5) The age and number of healthy trees the property is able to support according to good forestry practices;
- (6) Whether or not there are any alternatives that would allow for retaining or not encroaching on the protected tree;
- (7) Whether the approval of the request would be contrary to or in conflict with the general purpose and intent of this Article;
- (8) Any other information relevant to the public health, safety, or general welfare and the purposes of this ordinance as set forth in section 15-50.010; and
- (9) The necessity to remove the tree for economic or other enjoyment of the property when there is no other feasible alternative to the removal.

TREE INVENTORY TABLE

TREE NO.	TREE NAME	Trunk Diameter (in.) - per Guide for Plant Appraisal	Estimated Canopy Spread (ft.)	Health Condition (100% = best, 0% = worst)	Structural Integrity (100% = best, 0% = worst)	Overall Condition	Suitability for Preservation (High/Moderate/Low)	Intensity of Impacts (1 = Highest, 5 = Lowest)	In Conflict with Proposed Design	Not Shown on Plans	On Adjacent Property	Appraised Value
1	Coast live oak <i>Quercus agrifolia</i>	18.9	25	80	70	Good	High	2				\$12,000
2	Chinese tallow <i>Sapium sebiferum</i>	7.1	10	60	50	Fair	Moderate	1	X			\$1,330
3	Chinese tallow <i>Sapium sebiferum</i>	6.7	15	60	60	Fair	High	2				\$1,290
4	Coast redwood <i>Sequoia sempervirens</i>	21.7	25	80	80	Good	High	2				\$15,500
5	Coast redwood <i>Sequoia sempervirens</i>	23.8	25	80	80	Good	High	2				\$18,600
6	Coast redwood <i>Sequoia sempervirens</i>	23	25	90	90	Good	High	2				\$21,200
7	Japanese maple <i>Acer palmatum</i>	5.8, 3.5, 2.7, 5, 5.3, 5.7	20	80	60	Good	Moderate	1	X			\$10,200
8	Coast live oak <i>Quercus agrifolia</i>	17.9	30	80	70	Good	High	2			X	\$10,300
9	Coast live oak <i>Quercus agrifolia</i>	30.7	50	80	70	Good	High	4				\$13,700
10	European olive <i>Olea europaea</i>	8.8, 8.3	15	60	50	Fair	Low	1	X			\$2,290

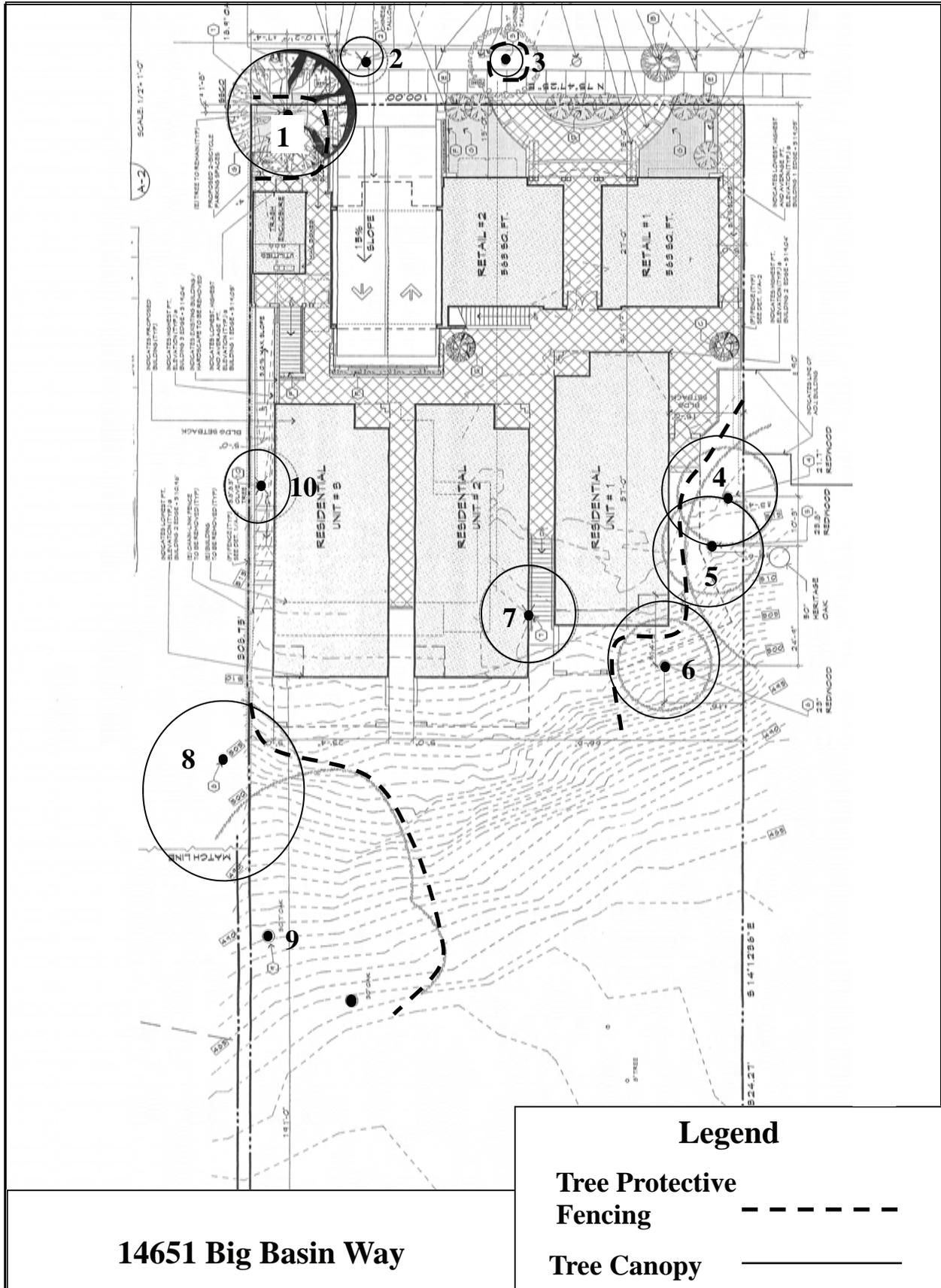
Total appraised value

\$106,410

Should any tree listed above be removed owner will be required to replace that tree with trees equal to its appraised value.

Replacement Tree Values

15 gallon = \$150 24 inch box = \$500 36 inch box = \$1,500
 48 inch box = \$5,000 52 inch box = 7,000 72 inch box = \$15,000



MEMORANDUM

TO: Cynthia McCormick, Project Planner, Community Development Department
CC: John Kang, Owner and Tom Sloan, Agent
FROM: Iveta Harvancik, Senior Engineer
SUBJECT: Geotechnical Clearance Conditions for GEO10-0019 at 14651 Big Basin Way
DATE: December 9, 2010

1. Prior to submittal of detailed plans for the building permit application, the selected foundation design alternative shall be clarified. If pier foundations are to be utilized for buildings near the steep northern slope, then RGE shall clarify minimal lateral cover requirements for piers prior to application of passive resistance.

If mat slab foundations are to extend to the northern edges of proposed buildings, then a grading plan shall be prepared illustrating where existing fill materials will be removed and replaced along with necessary keyways and benching into in-place material. This plan shall also indicate final proposed fill slope configurations to the north of proposed buildings. RGE shall evaluate any revised grading plan prior to submittal to the City.

Appropriate documentation to address the above shall be submitted to the City for review by the City Engineer and City Geotechnical Consultant prior to acceptance of detailed plans for building permit plan-check.

2. The Project Geotechnical Engineer shall review and approve all geotechnical aspects of the final development plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations) to ensure that the plans, specifications and details accurately reflect the consultant's recommendations. The consultant shall specifically evaluate all geotechnical aspects of proposed project drainage design. Percolation or discharge of collected storm drainage shall be avoided near the top of site fill slopes. Drainage discharge shall be designed to minimize potential erosion or adverse slope instability impacts. Geotechnical aspects of sharing design plans shall be evaluate.

Memorandum of Geotechnical Clearance Conditions

The results of the plan review shall be summarized by the Project Geotechnical Engineer in a letter(s) and submitted to the City for review by the City Engineer prior to issuance of permits.

3. The Project Geotechnical Engineer shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for fill keyways (if applicable), and foundation construction prior to placement of fill, steel and concrete. The consultant shall complete an inspection of completed site drainage improvements for conformance with geotechnical recommendations.

The results of these inspections and the as-built conditions of the project shall be described by the Project Registered Geotechnical Engineer in a letter(s) and submitted to the City Engineer for review and approval prior to Final (as-built) Project Approval.

4. The owner (applicant) shall pay any outstanding fees associated with the City Geotechnical Consultant's review of the project prior to Zone Clearance.
5. The owner (applicant) shall enter into agreement holding the City of Saratoga harmless from any claims or liabilities caused by or arising out of soil or slope instability, slides, slope failure or other soil related and/or erosion related conditions.



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: July 27, 2011
 To: Jonghoon John Kang
 From: Trisha Dudala, At Van Den Hout
 Subject:: 14651 Big Basin Way

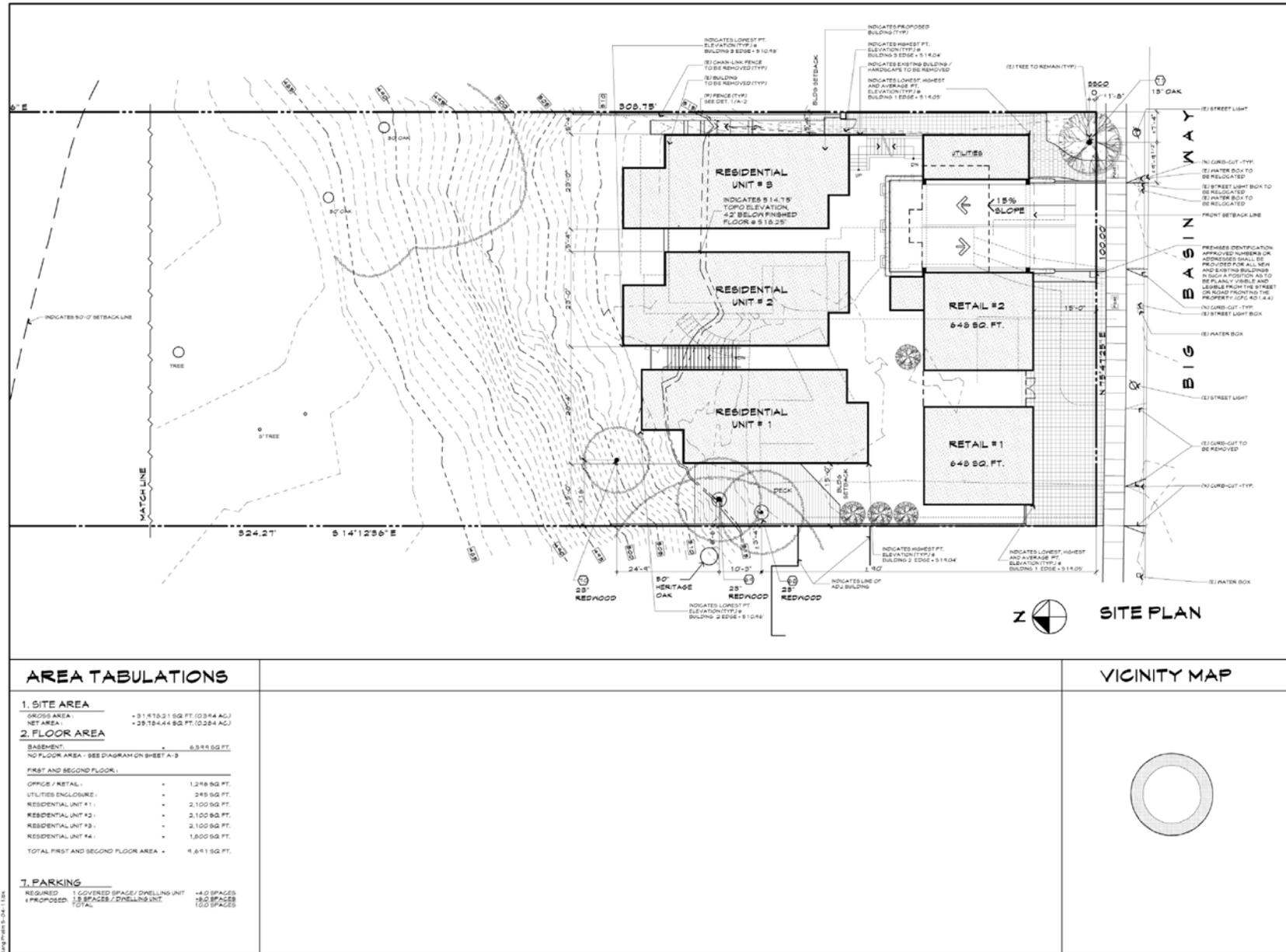
The purpose of this memo is to evaluate the need for a traffic impact analysis for the proposed project at 14651 Big Basin Way, Saratoga, California. Presently this property is mainly a residential property with two thirds of the property being used as a home and one third being used as a studio. The current plan is to demolish the existing structure and build three residential condominiums and one building with 1,296 square feet of retail, studio and an apartment on the second floor as shown on Figure 1. The project will receive credit for the existing studio. Currently there are seven ground parking spaces available and with the redevelopment of this site, there will be ten parking stalls, six of which will be dedicated garages.

According to the City of Saratoga, for any project that would generate 25 or more net new trips, a transportation analysis is required to identify potential impacts to intersection and roadway operations. Trips generated by the proposed project can be estimated based on the Institute of Transportation Engineers Trip Generation Manual, 8th edition as shown in the Table below.

Proposed Project Trip Generation

Land Use	Size	AM Peak Hour				PM Peak Hour				
		Rate	In	Out	Total	Rate	In	Out	Total	
Condominiums (ITE 230)	3 Dwelling Units	0.44	0	1	1	0.52	1	1	2	
Apartment (ITE 220)	1 Dwelling Unit	0.51	0	1	1	0.62	1	0	1	
Retail (ITE 820)	1,296 ksf	1.00	1	0	1	3.73	2	3	5	
Net Project Trips:				1	2	3		4	4	8

As shown in the above table, the proposed project is expected to generate a total of three trips during the AM peak hour and eight trips during the PM peak hour. The AM and PM peak hour generation of the project is well below the threshold of 25 trips. Therefore a transportation analysis is not required for this project as trips generated by the project are not likely to cause any significant impacts on the surrounding transportation network.



METRO DESIGN GROUP

ARCHITECTURE-PLANNING-INTERIORS

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OLIVE PLACE
MIXED USE COMMUNITY

14654 BIG BASIN WAY
SARATOGA 95070

REVISIONS

SITE PLAN

VICINITY MAP

DATE : 5-04-11
SCALE : 1" = 10'-0"
DRAWN BY : DJZ
CHECKED BY : TS
ARCHITECT : TOM SLOAN
PROJECT NO. : 07484

SHEET NUMBER

A-2

Figure 1
Project Site Plan

MEMORANDUM

Date: October 18, 2011
To: Kristin Borel, Public Works, City of Saratoga
From: Kevin Chen/Sohrab Rashid
Subject: 14651 Big Basin Way Peer Review, Saratoga, California

1025-446-1

This memorandum presents the results of the peer review conducted for the *14651 Big Basin Way* trip generation study in the City of Saratoga, California. We generally concur with the findings in the analysis with a few additional comments. Below describes our evaluation.

Hexagon Transportation Consultants, Inc. prepared a trip generation memorandum dated July 27, 2011 for the proposed project at 14651 Big Basin Way in the City of Saratoga, California. The development project consists of redeveloping an existing residential property with three residential condominiums and a building with 1,296 square feet (s.f.) of retail (including a dance studio) and an apartment on the second floor. The project is located in a Commercial – Historic 2 (CH-2) zoning district.

The memorandum was reviewed for adequacy and appropriateness of the project trip generation assumptions. The following key items summarize our findings:

1. Fehr & Peers agrees with the trip generation rates associated with residential condominiums and apartment land uses.
2. While Fehr & Peers agrees with the trip generation rates associated with the retail land use in the absence of identified occupants, these rates may underestimate the number of new vehicle trips depending on the ultimate tenant that occupies the space. For example, the number of customers and subsequently trips would be higher if the space were occupied by a small, quick-serve restaurant. However, it is not expected that any retailer or other tenant, in addition to the proposed residential uses, will generate 25 or more net new vehicle trips to warrant a traffic impact analysis.

The memorandum identified the number of new parking spaces without further explanation. We addressed this comment by providing our parking evaluation below.

Based on City of Saratoga Ordinance Code *15-35.030*: one covered space within a garage, plus one and one-half additional spaces on the site are needed for each multi-family dwelling unit, or a supply rate of 2.5 spaces per unit. As addressed in the memorandum, the development will meet the requirement by providing 10 parking stalls, six (6) of which will be dedicated garage spaces, for 4 residential units (3 Condo and 1 Apartment).

Based on the City Ordinance Code, retail developments are required to provide one space for each 200 s.f. of intensive retail establishment or one space for each 500 s.f. of extensive retail establishment. However, net new developments located in a Commercial – Historic (CH) district are not required to add new parking spaces if approved between March 1, 2006 and February 28, 2012 and do not exceed 41,850 s.f. New development in the CH district has not exceeded this threshold, thus, the project is not required to provide new parking spaces for the proposed retail use.

In conclusion, we concur with the findings described in the memorandum prepared for 14651 Big Basin Way.

GreenPoint Rated Checklist: Multifamily

The GreenPoint Rated checklist tracks green features incorporated into the home. **A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.** GreenPoint Rated is provided as a public service by Build It Green, a professional non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

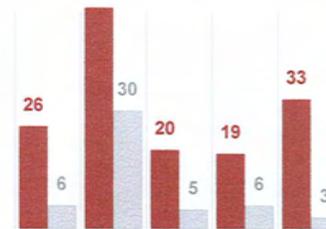
The minimum requirements for a GreenPoint Rated home are: Earn a total of 50 points or more; obtain the following minimum points per category: Community (6), Energy (30), Indoor Air Quality/Health (5), Resources (6), and Water (3); and meet the prerequisites A2a, E2a, H4a. (for 2008 permitted projects), J1a, N1. and Q0.

This checklist accommodates the verification of mandatory CALGreen measures but does not signify compliance unless accepted by jurisdictional authority. All CALGreen measures within the checklist must be selected as "Yes" or "n/a" for compliance with GreenPoint Rated. Build It Green is not a code enforcement agency.

The green building practices listed below are described in the GreenPoint Rated Multifamily Rating Manual. For more information please visit www.builditgreen.org/greenpointrated.



Total Targeted Points: **157**



Multifamily New Home 2.2 / 2008 Title 24

REQUIRED: ENTER FLOOR AREAS AND LANDSCAPED AREA BEFORE BEGINNING CHECKLIST

Enter Total Conditioned Floor Area of the Project:

10118

Enter Total Non-Residential Floor Area of Project:

709

Percent of Project Dedicated to Residential Use

93%

Percentage of Site Dedicated to Landscaping

20%

OLIVE PLACE -14651 Big Basin Way -		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
AA. COMMUNITY DESIGN AND PLANNING			Possible Points					
1. Develop Infill Sites								
Yes	a. Project is an Urban Infill Development	1	1					
	b. Conserve Resources by Increasing Density -15 Units Per Acre or Greater (1 Point for every additional 5 dwelling units/acre) Enter Project Density Number (In du/acre)	0	10					
TBD	c. Project Includes the Redevelopment of At Least One Existing Building	0			1			
TBD	d. Build on Designated Brownfield Site or City-Designated Redevelopment Area	0	1					
2. Design for Walking & Bicycling								
Yes	a. Sidewalks Are Buffered from Roadways & Are 5 Feet Wide (8 Feet in Retail Areas)	1	1					
TBD	b. Install Traffic Calming Strategies	0	1					
Yes	c. Provide Dedicated, Covered & Secure Bicycle Storage for 15% of Residents	1	1					
TBD	d. Provide Secure Bicycle Storage for 5% of Non-Residential Tenant Employees & Visitors	0	1					
3. Alternative Transportation								
5	a. Site has Pedestrian Access Within ½ Mile of Community Services: TIER 1: Enter number of services within ½ Mile: 1) Day Care 2) Community Center 3) Public Park 4) Drug Store 5) Restaurant 6) School 7) Library 8) Farmer's Market 9) After School Programs 10) Convenience Store Where Meat & Produce are Sold							
9	© Build It Green Enter number of services within ½ Mile:							

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
	1) Bank							
	2) Place of Worship							
	3) Laundry/Cleaners							
	4) Hardware							
	5) Theater/Entertainment							
	6) Fitness/Gym							
	7) Post Office							
	8) Senior Care Facility							
	9) Medical/Dental							
	10) Hair Care							
	11) Commercial Office or Major Employer							
	12) Full Scale Supermarket							
	i. 5 Services Listed Above (Tier 2 Services Count as 1/2 Service Value)	1	1					
	ii. 10 Services Listed Above (Tier 2 Services Count as 1/2 Service Value)	0	1					
	b. Proximity to Public Transit: Development is Located Within							
TBD	i. 1/4 Mile of One Planned or Current Bus Line Stop	0	1					
TBD	ii. 1/2 Mile of a Major Transit Stop (Commuter Train/Light Rail Transit System OR Two or More Planned/Current Bus Line Stops	0	1					
	c. Reduced Parking Capacity							
TBD	i. Less than 1.5 Parking Spaces Per Unit	0	1					
TBD	ii. Less than 1.0 Parking Spaces Per Unit	0	1					
	4. Mixed-Use Developments							
Yes	a. At least 2% of Development Floor Space Supports Mixed-Use (Non-Residential Tenants)	1	1					
TBD	b. Half of the Non-Residential Floor Space is Dedicated to Community Services (See AA3a)	0	1					
	5. Outdoor Gathering Places							
Yes	a. Private or Semi-Public Outdoor Gathering Places for Residents (Minimum of 50 sf Per Unit) (mutually exclusive with AA5b)	1	1					
Yes	b. Outdoor Gathering Place of Compact Site Provides Natural Elements (mutually exclusive with AA5a) (Projects Must Be a Minimum of 50 du/acre)	0	1					
Yes	c. Public Outdoor Gathering Places have Direct Access to At Least Two Tier 1 Community Services (See AA3a)	1	1					
	6. Design for Safety and Vandalism Deterrence							
Yes	a. Residence Entries Have Views to Callers (Windows or Double Peep Holes) & Can Be Seen By Neighbors	1	1					
TBD	b. All Main Entrances to the Building and Site are Prominent and Visible from the Street	0	1					
	7. Passive Solar Design							
TBD	a. Provide Appropriate Orientation for Maximum Energy Efficiency	0		2				
Yes	b. Provide Appropriate Shading On All South-Facing Windows for Effective Passive Solar Control	1		1				
Yes	c. Provide Thermal Mass	2		2				
	8. Adaptable Buildings							
	a. Include Universal Design Principles in Units							
TBD	i. 50% of Units	0	1					
TBD	ii. 80% of Units	0	1					
TBD	b. Live/Work Units Include A Dedicated Commercial Entrance	0	1					
	9. Affordability							

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
	a. Units are Dedicated to Households Making 80% or Less of AMI							
TBD	i. 10% of All Units	0	1					
TBD	ii. 25%	0	1					
TBD	iii. 50% or More	0	1					
Yes	b. Development Includes Multiple Bedroom Units (Minimum of 2 3-Bdrm Units At or Less Than 80% AMI)	1	1					
Yes	c. At least 20% of Units at 120% or Less of AMI are For-Sale	1	1					
Total Available Points in Community Design and Planning: 42		13						
A. SITE			Possible Points					
1. Protect Topsoil and Minimize Disruption of Existing Plants & Trees								
Yes	a. Protect Topsoil and Reuse After Construction	2	1			1		
Yes	b. Limit and Delineate Construction Footprint for Maximum Protection	1				1		
2. Divert/Recycle Job Site Construction Waste (Including Green Waste and Existing Structures)								
TBD	a. Required: Divert 50% (by weight) of All Construction & Demolition Waste (Recycling or Reuse) (CALGreen code)	Y				R		
Yes	b. Divert 100% of Asphalt and Concrete and 65% (by weight) of Remaining Materials	2				2		
TBD	c. Divert 100% of Asphalt and Concrete and 80% (by weight) of Remaining Materials	0				2		
3. Construction Environmental Quality Management Plan, Duct Sealing, and Pre-Occupancy Flush-Out [*This credit is a requirement associated with PJ1: EPA IAP]								
Yes	a. Duct openings and other related air distribution component openings shall be covered during construction. (CALGreen code if applicable)	1			1			
TBD	b. Full environmental quality management plan and pre-occupancy flush out is conducted (Prerequisite is A5a)	0			1			
Yes	4. Use Recycled Content Aggregate (Minimum 25%)	1				1		
TBD	5. Cool Site: Reduce Heat Island Effect on Site	0	1					
Total Available Points in Site: 11		7						
B. LANDSCAPE			Possible Points					
1. Landscaping								
Yes	<i>Is the landscape ≥ 10% of the site area? Sites with less than 10% of the total site area dedicated to landscaping can only earn up to 4 points for measure B1a through B1g. Calculate the landscape area percentage by dividing the landscape area by the total site area. Include the building footprint(s) and all other developed portions of the site up to the site boundary.</i>							
Yes	a. Group Plants by Water Needs (Hydrozoning)	2					2	
Yes	b. Mulch All Planting Beds to the Greater of 3 Inches or Local Water Ordinance Requirement	2					2	
c. Construct Resource-Efficient Landscapes								
TBD	i. No Invasive Species Listed by Cal-IPC Are Planted	0				1		
TBD	ii. No Plant Species will Require Shearing	0				1		
Yes	iii. 75% of Plants are Drought-tolerant, California Natives, Mediterranean or Other Appropriate Species	3					3	
d. Minimize Turf in Landscape Installed by Builder								

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	i. Turf Shall Not Be Installed on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less than 8 Feet Wide	2					2	
Yes	ii. Turf Is ≤ 25% of Landscaped Area	2					2	
	e. Install High-Efficiency Irrigation Systems							
Yes	i. System Uses Only Low-Flow Drip, Bubblers or Sprinklers	2					2	
Yes	ii. System Has Smart (Weather-based) Controller (CALGreen code if applicable)	3					3	
Yes	f. Incorporate Two Inches of Compost in the Top 6 to 12 Inches of Soil	3					3	
	g. Design Landscape to Meet Water Budget							
TBD	i. Install Irrigation System That Will Be Operated at <70% Reference ET (B1a. and B1b. are Prerequisites for Credit)	0					1	
TBD	ii. Install Irrigation System That Will Be Operated at <50% Reference ET (B1a., B1b. and B1ei. or B1eii. are Prerequisites for Credit)	0					1	
TBD	h. Incorporate Community Garden	0	1					
2. Source Water Efficiency								
TBD	a. Use Recycled Water for Indoor and/or Outdoor Water Use	0					2	
TBD	b. Use Rainwater for Indoor and/or Outdoor Water Use	0					4	
3. Outdoor Play Structures and Outdoor Furniture								
TBD	a. Play Structures & Surfaces Have an Average Recycled Content ≥20%	0				1		
TBD	b. Environmentally Preferable Exterior Site Furnishings	0				1		
Yes	4. Reduce Light Pollution by Shielding Fixtures and Directing Light Downward	1	1					
Total Available Points in Landscape: 33		20						
C. DESIGN CONSIDERATIONS			Possible Points					
1. Acoustics: Noise and Vibration Control (minimum 2 points for credit, including 1 Tier 1 measure, maximum of 4 points)								
TBD	TIER 1: 1) Exterior Noise Reduction	0	1					
Yes	2) Loud Single-Event Noise Reduction in Noise-Sensitive Spaces	1	1					
Yes	3) Airborne and Structure-borne Noise Reduction (e.g., walls, floor-ceilings)	1	1					
Yes	4) Mechanical Ventilation Noise and Vibration Control	1	1					
Yes	5) Plumbing Noise and Vibration Reduction	1	1					
TBD	TIER 2: 1) Minimize Stair Impact Noise	0	0.5					
Yes	2) Minimize Floor Squeaks	0	0.5					
TBD	3) Minimize Trash Chute Noise	0	0.5					
TBD	4) Mixed-Use Noise and Vibration Reduction	0	0.5					
2. Mixed-Use Design Strategies								
TBD	a. Develop Green Tenant Improvement Requirements for Build Outs	0	2					
TBD	b. Commercial Loading Area Separated from Residential area	0			1			
Yes	c. Separate Mechanical and Plumbing Systems	1			1			
3. Commissioning								
Yes	a. Design Phase (Define Owner's Project Requirements, Basis of Design, and Develop Plan)	2		1	1			
Yes	b. Construction Phase (Perform Functional Testing)	2		2				
Yes	c. Post-Construction Phase (Verify Compliance, Commissioning Report, Training and Warranty Review)	2	1	1				
Total Available Points in Design Considerations: 14		11						
D. FOUNDATION, STRUCTURAL FRAME & BUILDING ENVELOPE			Multifamily Checklist version 2.2/1.9 Possible Points					

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	1. Replace Portland Cement in Concrete with Recycled Fly Ash and/or Slag (Minimum 20%)	0				3		
Yes	2. Design, Build and Maintain Structural Pest and Rot Controls (for low-rise projects)	2			1	1		
3. Construction Material Efficiencies								
TBD	a. Wall and Floor Assemblies (excluding solid wall assemblies) are Delivered Panelized from Supplier (Minimum of 80% square feet)	0				1		
TBD	b. Modular Components are Delivered Assembled to the Project (Minimum 25%)	0				6		
	c. Optimal Value Engineering							
TBD	i. Studs at 24 Inch on Center at Interior Non-Bearing Walls and Top Floor	0				1		
Yes	ii. Door & Window Headers Sized for Load	1				1		
Yes	iii. Use Only Cripple Studs Required for Load	1				1		
4. Use Engineered Lumber								
Yes	a. Engineered Beams and Headers	1				1		
Yes	b. Wood I-Joists or Web Trusses for Floors	1				1		
TBD	c. Engineered Lumber for Roof Rafters	0				1		
TBD	d. Engineered or Finger-Jointed Studs for Vertical Applications	0				1		
Yes	e. Oriented Strand Board for Subfloor	1				1		
Yes	f. Oriented Strand Board for Wall and Roof Sheathing	1				1		
TBD	5. Insulated Headers	0		1				
6. Use FSC-Certified Wood								
TBD	a. Dimensional Lumber, Studs and Timber (Minimum 40%)	0				4		
TBD	b. Panel Products (Minimum 40%)	0				2		
Yes	7. Energy Heels on Roof Trusses for Low-Rise Projects	1		1				
8. Use Solid Wall Systems (Includes SIPS, ICFs, & Any Non-Stick Frame Assembly)								
TBD	a. Floors	0				2		
Yes	b. Walls	2				2		
TBD	c. Roofs	0				1		
Total Available Points in Foundation, Structural Frame & Building Envelope: 34		11						
E. EXTERIOR			Possible Points					
1. Drainage Planes and Durable Siding								
TBD	a. Install a Rain Screen Wall System	0				2		
TBD	b. Use Durable and Non-Combustible Siding Materials	0				1		
2. Durable Roofing Options								
Yes	a. Required: All Roofing Has 3-Year Subcontractor Warranty and a 20-Year Manufacturer Warranty	Y				R		
Yes	b. Use Durable and Fire Resistant Roofing Materials or Assembly	1				1		
TBD	3. Vegetated Roof (2 points for 25%, 4 points for 50%)	0		4				
Total Available Points in Exterior: 8		1						
F. INSULATION			Possible Points					
1. Install Insulation with 75% Recycled Content								
TBD	a. Walls	0				1		
TBD	© BuildingGreen					1		

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	c. Floors	0				1		
Total Available Points in Insulation: 3		0						
G. PLUMBING			Possible Points					
1. Water Efficient Fixtures								
a. Install High Efficiency Toilets (Dual Flush or ≤ 1.28 Gallons Per Flush (gpf)) (CALGreen code if applicable)								
Yes	i. In All Residences	1.86				0.28		
Yes	ii. In All Non-Residential Areas	0.14				0.14		
b. High Efficiency Urinals or No-Water Urinals Are Specified:								
TBD	i. Average Flush Rate is ≤0.5 gpf (CALGreen code if applicable)	0				1		
TBD	ii. Average Flush Rate is ≤0.1 gpf	0				1		
Yes	c. High Efficiency Showerheads Use ≤ 2.0 Gallons Per Minute (gpm) at 80 psi (CALGreen code if applicable)	3				3		
d. Flow Limiters Or Flow Control Valves Are Installed on All Faucets								
TBD	i. Residences: Kitchen - ≤ 1.8 gpm (CALGreen code if applicable)	0				0.28		
TBD	ii. Non-Residential Areas: Kitchen - ≤ 1.8 gpm (CALGreen code applicable)	0				0.07		
TBD	iii. Residences: Bathroom Faucets- ≤ 1.5 gpm at 60psi	0				1		
TBD	iv. Non-Residential Areas: Bath Faucets - ≤ .5 gpm or .25 gal for meter faucets (CALGreen code if applicable)	N				0		
2. Distribute Domestic Hot Water Efficiently (G2a is a Prerequisite for credit for G2 b-e. Maximum 5 Points)								
Yes	a. Insulate All Hot Water Pipes [*This credit is a requirement associated with PJ1: EPA IAP]	2		1			1	
Yes	b. Use Engineered Parallel Plumbing	1					1	
TBD	c. Use Engineered Parallel Plumbing with Demand Controlled Circulation Loop(s)	0					1	
TBD	d. Use Traditional Trunk, Branch and Twig Plumbing with Demand Controlled Circulation Loop(s)	0		1			2	
TBD	e. Use Central Core Plumbing	0		1		1	1	
Yes	3. Water Submetering: Bill Tenants for Actual Usage	4					4	
Total Available Points in Plumbing: 18		12						
H. HEATING VENTILATION AND AIR CONDITIONING			Possible Points					
TBD	1. Install High Performing Zoned Radiant Hydronic Heating	0			2			
Yes	2. Install High Efficiency Air Conditioning with Environmentally Preferable Refrigerants	1	1					
3. Advanced Ventilation Practices for Cooling								
TBD	a. Operable Windows or Skylights Are Placed To Induce Cross Ventilation In At Least One Room In 80% of Units	0		1	1			
b. Mechanical Ventilation System for Cooling:								
TBD	i. ENERGY STAR Ceiling Fans and Light Kits in Living Areas & All Bedrooms	0		1				
TBD	ii. Whole House Fan (CALGreen code if applicable)	0		1				
4. Advanced Mechanical Ventilation for IAQ								
Yes	a. Required: Compliance with ASHRAE 62.2 Mechanical Ventilation Standard (As Adopted in Title 24 Part 6). <i>N/A for projects permitted under 2005 Title 24</i>	Y			R			

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	b. Advanced Ventilation Practices (Continuous Operation, Sone Limit, Minimum Efficiency, Minimum Ventilation Rate, Homeowner Instructions)	1			1			
TBD	c. Outdoor Air Ducted to Bedroom and Living Areas of Home	0			2			
Yes	d. ENERGY STAR Bathroom Fans on Timer or Humidistat (CALGreen code if applicable)	1			1			
Yes	5. Garage Ventilation Fans Are Controlled by Carbon Monoxide Sensors (Passive Ventilation Not Eligible) [*This credit is a requirement associated with PJ1: EPA IAP]	1			1			
Yes	6. Install Carbon Monoxide Alarms (or No Combustion Appliances in Living Space and No Attached Garage) [*This credit is a requirement associated with PJ1: EPA IAP]	1			1			
Total Available Points in Heating Ventilation and Air Conditioning: 13		5						
I. RENEWABLE ENERGY			Possible Points					
TBD	1. Solar Hot Water System Preheats Domestic Hot Water	0		4				
2. Offset a Percentage of the Project's Estimated Electricity Demand with Onsite Renewable Generation								
TBD	a. 60% of Common Area Load	0	2	2				
TBD	b. 90% of Common Area Load	0	2	2				
TBD	c. 10% or More of Residential Units Load	0	2	2				
Total Available Points in Renewable Energy: 16		0						
J. BUILDING PERFORMANCE			Possible Points					
1. Building Performance Exceeds Title 24								
2008	<i>Is project permitted under 2005 Title 24 or 2008 Title 24?</i>							
<i>Enter the Percent Better Than Title 24 for Residential and Non-Residential Portions of the Project.</i>								
20%	a. Required: Residences: Minimum 15% Better Than Title 24. 2 Points for Every 1% Better Than Title 24	40		30+				
0%	b. Non-Residential Spaces: 1 Point for Every 1% Better Than Title 24, adjusted for square footage	0		1+				
2. Building Envelope Diagnostic Evaluations								
TBD	a. Duct Testing Results in Leakage < 6% [*This credit is a requirement associated with PJ1: EPA IAP]	0		1				
TBD	b. Blower Door Testing Results for Air Change per Hour is < 3.5 ACH ₅₀ [*This credit is a requirement associated with PJ1: EPA IAP]	0		2				
TBD	c. Verify Quality of Insulation Installation & Thermal Bypass Checklist before Drywall [*This credit is a requirement associated with PJ1: EPA IAP]	0		1				
TBD	3. Design and Build Near Zero Energy Homes (Enter number of points, minimum of 2 and maximum of 6 points)	0		6				
Yes	4. Title 24 Prepared and Signed by a CABEC Certified Energy Plans Examiner (CEPE)	1		1				
5. Participation in Utility Program with Third Party Plan Review								
Yes	a. Energy Efficiency Program [*This credit is a requirement associated with PJ1: EPA IAP]	1		1				
TBD	b. Renewable Energy Program with Min. 30% Better Than Title 24 (High Performing Home) © Build It Green	0		1				

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Total Available Points in Building Performance: 43+		42						
K. FINISHES			Possible Points					
1. Entryways								
Yes	a. Design Entryways to Reduce Tracked-In Contaminants for All Home Entrances	1			1			
TBD	b. Permanent Walk-Off Systems Are Provided at All Main Building Entrances & In Common Areas	0			1			
TBD	2. Use Recycled Content Paint	0				1		
3. Low/No-VOC Paints & Coatings [*This credit is a requirement associated with PJ1: EPA IAP]								
a. Low-VOC Interior Wall/Ceiling Paints (<50 grams per liter (gpl) VOCs regardless of sheen) (CALGreen code if applicable)								
Yes	i. In All Residences	0.93			0.93			
Yes	ii. In All Non-Residential Areas	0.07			0.07			
b. Zero-VOC: Interior Wall/Ceiling Paints (<5 gpl regardless of sheen)								
TBD	i. In All Residences	0			0.93			
TBD	ii. In All Non-Residential Areas	0			0.07			
c. Use Low-VOC Coatings That Meet SCAQMD Rule 1113 (CALGreen code if applicable)								
TBD	i. In All Residences	0			1.96			
TBD	ii. In All Non-Residential Areas	0			0.14			
Yes	4. Use Low VOC Caulks, Construction Adhesives and Sealants that Meet SCAQMD Rule 1168 (CALGreen code if applicable)	1			1			
5. Environmentally Preferable Materials for Interior Finish: A) FSC-Certified Wood, B) Reclaimed Lumber, C) Rapidly Renewable, D) Recycled-Content, E) Finger-Jointed, or F) Local								
a. Residences: At Least 50% of Each Material:								
TBD	i. Cabinets	0			3.72			
TBD	ii. Interior Trim	0			1.68			
TBD	iii. Shelving	0			1.68			
TBD	iv. Doors	0			1.68			
TBD	v. Countertops	0			1.96			
b. Non-Residential Areas: At Least 50% of Each Material:								
TBD	i. Cabinets	0			0.28			
TBD	ii. Interior Trim	0			0.14			
TBD	iii. Shelving	0			0.14			
TBD	iv. Doors	0			0.14			
TBD	v. Countertops	0			0.14			
TBD	6. Reduce Formaldehyde in Interior Finish – Meet Current CARB Airborne Toxic Control Measure (ATCM) for Composite Wood Formaldehyde Limits by Mandatory Compliance Dates (CALGreen code if applicable) [*This credit is a requirement associated with PJ1: EPA IAP]	N			0			
7. Reduce Formaldehyde in Interior Finish - Exceed Current CARB ATCM for Composite Wood Formaldehyde Limits Prior to Mandatory Compliance Dates								

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
a. Residences: At Least 90% of Each Material:								
Yes	i. Doors	0.93						
Yes	ii. Cabinets and Countertops	1.86						
Yes	iii. Interior Trim and Shelving	0.93						
b. Non-Residential Areas: At Least 90% of Each Material								
Yes	i. Doors	0.07			0.07			
TBD	ii. Cabinets and Countertops	0			0.14			
Yes	iii. Interior Trim and Shelving	0.07			0.07			
8. Durable Cabinets								
Yes	a. Residences	0.93						
TBD	b. Non-Residential Areas	0			0.07			
TBD	9. At Least 25% of All Newly Supplied Interior Furniture has Environmentally Preferable Attributes	0				1		
Total Available Points in Finishes: 26		8						
L. FLOORING			Possible Points					
1. Use Environmentally Preferable Flooring (Minimum 15% of Floor Area) A) FSC-Certified Wood, B) Reclaimed or Refinished, C) Rapidly Renewable, D) Recycled-Content, E) Exposed Concrete, or F) Local. <i>Flooring Adhesives Must Meet SCAQMD Rule 1168 for VOCs</i>								
TBD	a. Residences	0						
TBD	b. Non-Residential Areas	0			0.28			
2. Low-Emitting Flooring [*This credit is a requirement associated with PJ1: EPA IAP]								
Yes	a. Residences: Low Emitting Flooring (50% Minimum) (Section 01350, CRI Green Label Plus, Floorscore)	1.86						
TBD	b. Non-Residential Areas: Low-Emitting Flooring (50% Minimum) (Section 01350, CRI Green Label Plus, Floorscore)	0			0.14			
TBD	3. All carpet and 50% of Resilient Flooring is low emitting. (CALGreen code if applicable)	N			0			
Total Available Points in Flooring: 6		2						
M. APPLIANCES & LIGHTING			Possible Points					
1. ENERGY STAR Appliances								
Yes	a. Install ENERGY STAR Dishwasher (Must Meet Current Specifications)	2		1			1	
b. install ENERGY STAR Clothes Washer								
Yes	i. Meets ENERGY STAR and CEE Tier 2 Requirements (Modified Energy Factor ≥2.0; Water Factor ≤6.0) (Total 3 Points)	3		1			2	
TBD	ii Meets ENERGY STAR and CEE Tier 3 Requirements (Modified Energy Factor ≥2.2; Water Factor ≤4.5) (Total 5 Points)	0					2	
c. Install ENERGY STAR Refrigerators in All Locations								
TBD	i. ENERGY STAR-Qualified & < 25 Cubic Feet Capacity	0		1				
TBD	ii. ENERGY STAR-Qualified & < 20 Cubic Feet Capacity	0		1				
TBD	2. Common Laundry Facilities Are Provided for All Occupants	0				1		
TBD	3. Provide Built-In Recycling Center In Each Residential Unit	0				1		
4. Low-Mercury Lamps								

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	a. Low-Mercury Products Are Installed Wherever Linear Fluorescent Lamps Are Used or Replaced	0				1		
TBD	b. Low-Mercury Products Are Installed Wherever Compact Fluorescent Lamps Are Used or Replaced	0				1		
5. Install High-Efficacy Lighting and Design Lighting System								
Yes	a. Install High-Efficacy Lighting	1		1				
Yes	b. Install a Lighting System to IESNA Footcandle Standards or Hire Lighting Consultant	1		1				
Yes	6. Gearless Elevators Are Installed	1		1				
Total Available Points in Appliances & Lighting: 16		8						
N. OTHER		Possible Points						
Yes	1. Required: Incorporate GreenPoint Rated Checklist in Blueprints [*This credit is a requirement associated with PJ1: EPA IAP]	Y	R					
Yes	2. Pre-Construction Kick-Off Meeting with Rater and Subs	1	1					
3. Operations & Maintenance Manuals and Training [*This credit is a requirement associated with PJ1: EPA IAP]								
Yes	a. Provide O&M Manual to Building Maintenance Staff (CALGreen code if applicable)	1		1				
TBD	b. Provide O&M Manual to Occupants and Orientation	0		1			1	
Yes	4. Residents Are Offered Free or Discounted Transit Passes	2	2					
Yes	5. Educational Signage of Project's Green Features	1	1					
TBD	6. Install Home/Building System Monitor(s)	0		1				
Yes	7. Use Vandalism Deterrence Practices and Develop Vandalism Management Plan	1	1					
Total Available Points in Other: 9		6						
O. (Not Used)								
P. INNOVATIONS		Possible Points						
A. Site								
1. Stormwater Control: Prescriptive Path (Maximum of 3 Points, Mutually Exclusive With PA2)								
Yes	a. Use Permeable Paving for 25% of Driveways, Patios and Walkways	0	1					
Yes	b. Install Bio-Retention and Filtration Features	0	2					
TBD	c. Route Downspout Through Permeable Landscape	0	1					
Yes	d. Use Non-Leaching Roofing Materials	0	1					
TBD	e. Include Smart Street/Driveway Design	0	1					
2. Stormwater Control: Performance Path (Mutually Exclusive With PA1):								
Yes	Perform a Soil Percolation Test and Capture and Treat 85% of Total Annual Runoff	3	3					
D. Foundation, Structural Frame and Building Envelope								
TBD	1. Use Radon Resistant Construction [*This credit is a requirement associated with PJ1: EPA IAP]	0			2			
Yes	2. Install a Foundation Drainage System [*This credit is a requirement associated with PJ1: EPA IAP]	2				2		
Yes	3. Moisture Controlled Crawlspace [*For projects with crawlspaces, this credit is a requirement associated with PJ1: EPA IAP]	2			2			

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	1. Flashing Installation Techniques Specified and Third-Party Verified [*This credit is a requirement associated with PJ1: EPA IAP]	0				1		
H. Heating Ventilation and Air Conditioning								
TBD	1. Design and Install HVAC System to ACCA Manual J, D, and S Recommendations (CALGreen code if applicable) [*This credit is a requirement associated with PJ1: EPA IAP]	0		4				
TBD	2. Pressure Relieve the Ductwork System (Mutually exclusive with H1) [*For projects with ducted systems, this credit is a requirement associated with PJ1: EPA IAP]	0		1				
Yes	3. Install High Efficiency HVAC Filter (MERV 6+, Mutually exclusive with H1.) [*This credit is a requirement associated with PJ1: EPA IAP]	1		1				
J. Building Performance								
TBD	1. Obtain EPA Indoor airPlus Certification (Total 39 possible points, not including Title 24 performance; read comment)	0		2				
TBD	2. Third-Party Testing of Mechanical Ventilation Rates for IAQ (Meet ASHRAE 62.2) [*This credit is a requirement associated with PJ1: EPA IAP]	0			2			
Yes	3. ENERGY STAR New Homes: High-Rise Pilot Program	1		1				
K. Finishes								
Yes	1. Use Moisture Resistant Material in Wet Areas: Kitchens, Bathrooms, Utility Rooms and Basements [*This credit is a requirement associated with PJ1: EPA IAP]	2			1	1		
TBD	2. Materials Meet SMaRT Criteria (Select number of points, up to 5 points)	0				5		
N. Other								
1. Innovation: List innovative measures that meet green building objectives. Enter in the number of points in each category in the blue cells for a maximum of 4 points for the measure. The "points achieved" column will be automatically fill in based on the sum of the points in each category. Points and measures will be evaluated by Build It Green.								
TBD	Innovation: Enter up to 4 Points in blue cells at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points in blue cells at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points in blue cells at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points in blue cells at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points in blue cells at right. Enter description here	0						
Total Available Points in Innovation: 26+		11						
Q. CALGreen CODE			Possible Points					
No	0. Home meets all applicable CALGreen measures listed in above Sections A - P of the GreenPoint Rated checklist.	N	R					
<p>The following measures are mandatory in the CALGreen code and do not earn points in the GreenPoint Rated Checklist but have been included in the Checklist for the convenience of jurisdictions.</p> <p>The GreenPoint Rater is not a code enforcement official. The measures in this section may be verified by the GreenPoint Rater at their own discretion and/or discretion of the building official.</p>								

OLIVE PLACE -14651 Big Basin Way -

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	1. CALGreen 4.106.2 Storm water management during construction.	Y						
Yes	2. CALGreen 4.106.3 Design for surface water drainage away from buildings.	Y						
TBD	3. CALGreen 4.303.1 As an alternative to prescriptive compliance, a 20% reduction in baseline water use shall be demonstrated through calculation	N						
Yes	4. CALGreen 4.406.1 Joints and openings. Annular spaces around pipes, electric cables, conduits, or other openings in plates at exterior walls shall be protected	Y						
Yes	5. CALGreen 4.503.1 Gas fireplace shall be a direct-vent sealed-combustion type. Woodstove or pellet stove shall comply with US EPA Phase II emission limits	Y						
Yes	6. CALGreen 4.505.2 Vapor retarder and capillary break is installed at slab on grade foundations.	Y						
Yes	7. CALGreen 4.505.3 19% moisture content of building framing materials	Y						
Yes	8. CALGreen 702.1 HVAC system installers are trained and certified in the proper installation of HVAC systems.	Y						
Total Available Points in CALGreen Code: 0		0						
Summary								
Total Available Points			62	86+	35	87	48	
Minimum Points Required			6	30	5	6	3	
Total Points Achieved			157	26	59	20	19	33

Project has not yet met the recommended minimum requirements

- Total Project Score of At Least 50 Points

- Required measures:

-A2a: 50% waste diversion by weight

-E2a: All Shingle Roofing Has 3-Yr Subcontractor Warranty & 20-Yr Manufacturer Warranty

-H4a: Compliance with ASHRAE 62.2 Mechanical Ventilation Standards (2008 Title 24 projects)

-J1a: 15% above Title 24

-N1: Incorporate GreenPoint Rated Checklist in Blueprints

- Minimum points in specific categories

-Community (6 points)

-Energy (30 points)

-IAQ/Health (5 points)

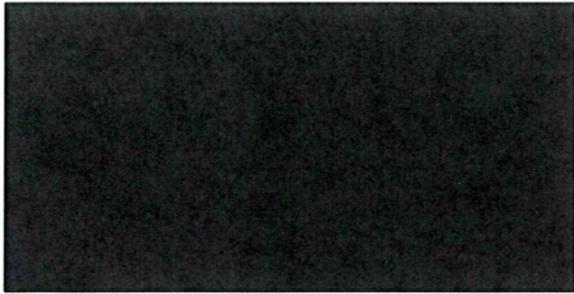
-Resources (6 points)

-Water (3 points)

OLIVE CREEK PLACE

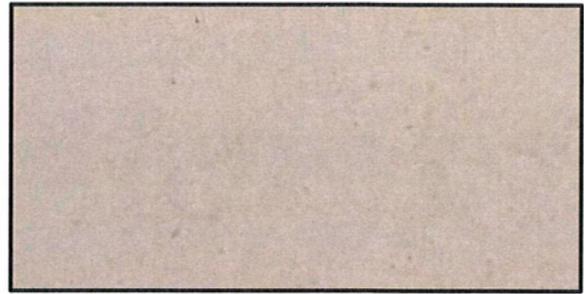
1465 1 BIG BASIN WAY
SARATOGA, CA 95070

FINISH BUILDING MATERIALS :



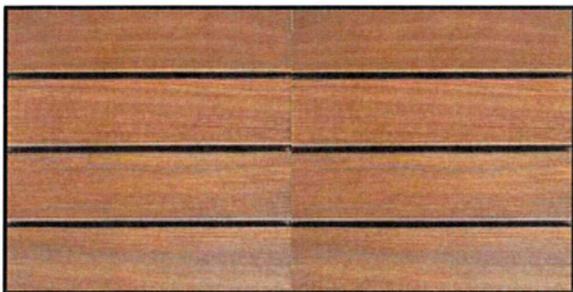
- 1 FASCIA, WALL METAL SIDING,
CLAD WOOD WINDOWS &
DOORS, COMMERCIAL WINDOW
& DOORS, AWNING :

METAL- DARK BRONZE COLOR



- 2 EXTERIOR WALL FINISH:

STUCCO PLASTER W/SMOOTH
TROWELED FINISH - LIMESTONE COLOR



- 3 EXTERIOR WALL FINISH:

WOOD SIDING: IPE



- 4 EXTERIOR ROOF, CORBELS, TRELIS,
HANDRAILS, GUARDRAILS, GATES:

WOOD, WOOD COMPOSITE: DARK STAIN



- 6 OUTDOOR FIREPLACE SURROUNDING
FLAGSTONE TILE - TAN COLOR

REPORT TO THE PLANNING COMMISSION

Meeting Date:	March 14, 2012
Application No:	ZOA11-0004
Type of Application:	Zoning Amendment - Sign Ordinance (Article 15-30)
Location / APN:	Citywide
Owner/Applicant:	City of Saratoga
Staff Planner:	Cynthia McCormick, Planner, AICP

SUMMARY

In January, 2011, the City Council provided direction to update the Sign Ordinance which had not been compressively updated since the early 1990s. Over time, several court cases have determined that sign regulations must be content neutral and conform to free speech rights projected by the First Amendment of the U.S. Constitution. A regulation that is content neutral is one which is applicable regardless of the message of the sign.

The Courts have established the following general principles:

- In general, the government may regulate the “time, place, and manner” of signs if the regulations are (1) content-neutral, (2) narrowly tailored to serve a significant governmental interest, and (3) leave open ample alternative channels for communication of information.
- The interests of aesthetics and traffic safety are “significant governmental interests.”
- Content-based regulations are presumed to be unconstitutional.
- Sign ordinances cannot favor commercial speech over non-commercial speech. In other words, on any sign where commercial speech is allowed, speakers must be able to display non-commercial messages.
- If a sign ordinance requires an individual to obtain a permit before displaying his or her sign, the authority reviewing the permit application must not have unbridled discretion in deciding whether to grant the permit. The regulation must provide objective criteria for the reviewing body to make that determination, and an expeditious path for judicial review.

SUMMARY OF CHANGES: Several regulations of the existing Sign Ordinance restrict signs based on content, such as Political Signs and Real Estate Signs. The proposed updates to the Sign Ordinance (1) eliminate direct references to content; (2) generally keep or increase the standards for sign size, design, placement, lighting, materials, and type of sign structures; and (3) include the creation of sign districts. A summary of the major differences between the current Sign Ordinance and the proposed updates is provided in Attachment 4.

PUBLIC OUTREACH: Starting in early 2011, staff worked closely with the Chamber of Commerce to reach out to local businesses and inform them of the Sign Ordinance Update. A survey was developed to gather opinions from local businesses with respect to various aspects of the current Sign Ordinance. The survey was put online, mailed to almost 300 Saratoga business licenses owners, sent to over 400 individuals on the Chamber's email list, sent to representatives from local Home Owners Associations, and sent to anyone who had signed up to receive emails about City activities. Over 100 surveys were completed between April and May 2011. Over 40 people attended a workshop in June 2011 to solicit input and rate various existing signs in the City through an interactive Visual Preference Survey. In January 2011, a presentation was made to the Ministerial Association on the proposed ordinance changes affecting places of worship. Between July 2011 and February 2012, the Planning Commission held 10 study sessions to thoroughly review each section of the Sign Ordinance. A representative from the Chamber of Commerce and local business and community groups regularly attended these sessions and provided valuable input. The City's website contained a dedicated web page to the effort which was regularly updated with drafts of the sign ordinance. Several articles were also written in the Saratoga News inviting the public to attend the study sessions and to get involved in the sign ordinance update. Informational flyers (Attachment 5) were mailed out to local businesses and places of worship in February announcing the Planning Commission meeting and providing a simple summary of the proposed changes.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. 12-009 recommending the City Council adopt the updated Sign Ordinance (Article 15-30)

ENVIRONMENTAL DETERMINATION: Pursuant to the California Environmental Quality Act, the amendment is exempt under CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FINDINGS: The findings for approval of the proposed amendments to the Sign Ordinance are provided in Exhibit 1 of the Resolution. The proposed ordinance does not regulate the content of signs, but only their size, number, location, and other physical or design attributes. The proposed ordinance regulating the use and display of signs is the least restrictive means to achieve important government interests in (i) promoting the aesthetic goals of the City's General Plan; (ii) promoting vibrant commercial areas; (iii) ensuring the orderly development of property within the City; (iv) ensuring traffic safety and the safety of pedestrians; (v) providing safety standards for the location, erection, and maintenance of signs; and (vi) preserving and enhancing the visual character of open space, residential, and commercial areas.

NEXT STEPS: The sign ordinance is scheduled for a City Council Public Hearing on April 18th. Conforming amendments will need to be made to the corresponding district Design Guidelines.

ATTACHMENTS:

1. Resolution and Findings (Exhibit 1)
2. Proposed Sign Ordinance (Exhibit A)
3. Current Sign Ordinance
4. Summary Table of Overall Changes
5. Informational Flyers and Sign District Map

RESOLUTION NO. 12-009

**A RESOLUTION OF THE CITY OF SARATOGA PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING
SARATOGA CITY CODE ARTICLE 15-30 CONCERNING SIGNS**

WHEREAS, on January 28, 2011, the Saratoga City Council directed staff to update the City's Sign Ordinance; and

WHEREAS, in February 2011, staff began a public outreach campaign that included meeting with the Saratoga Chamber of Commerce and distributing a sign survey to over 500 individuals or businesses.

WHEREAS, on June 23 2011, staff facilitated a public workshop, hosted by the Saratoga Chamber of Commerce, to discuss the update of the sign ordinance, present the results of the survey, and obtain feedback from the public.

WHEREAS, on July 12, 2011, the City released the first draft of the proposed Sign Ordinance; and

WHEREAS, between July 12, 2011 and February 7, 2012, the City held 10 public study sessions to discuss the proposed amendments to the Sign Ordinance where attendees including business representatives, citizens from various neighborhoods, and members of the Planning Commission provided feedback to City staff; and

WHEREAS, in response to comments made at these public study sessions, staff modified the proposed ordinance and released another public review draft at each of the subsequent study sessions.

WHEREAS, on March 1, 2012, City Staff sent out a summary table of relevant proposed changes to the Sign Ordinance to over 400 individuals and businesses, providing information on the date, time, and location of the March 14th 2012 Public Hearing; and

WHEREAS, the amendment is exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, on March 14, 2012, the Planning Commission held a duly noticed public hearing on the draft ordinance, and considered evidence presented by City staff, the public, and other interested parties. All comments raised during the Public Hearing on the Project were considered by the Planning Commission.

NOW THEREFORE, the Planning Commission of the City of Saratoga hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The Sign Ordinance is consistent with Saratoga General Plan Land Use Element Goal LU 2 which provides that the City should encourage the economic viability of Saratoga's existing commercial and office areas and their accessibility by residents, taking into account the impact on surrounding residential areas; General Plan Circulation Element Policy CI 6.6 which provides that City should enforce ordinances to prevent the use of non-conforming roadside signs on all roads and highways within the City, whether erected by private individuals or business enterprises; and the General Plan Safety Element Objective to enhance the response to emergencies in a timely, coordinated manner.

Section 3: The City of Saratoga Planning Commission recommends the City Council adopt the proposed amendments to the Sign Ordinance (Exhibit A), subject to the findings attached hereto as Exhibit 1.

PASSED AND ADOPTED by the City of Saratoga Planning Commission this 14th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas R. Robertson
Chair, Planning Commission

EXHIBIT 1

Findings. The City of Saratoga hereby finds that the regulation of signs is necessary to further the substantial governmental interests of the City to protect the public health, safety, and general welfare.

As provided in the City's Vision Statement, Saratogans value the City's natural beauty, historic assets, and small town residential character. Furthermore, the City recognizes the importance of protecting the economic viability of the Village and other commercial areas in the City.

Signs serve a useful purpose in communicating a message, whether commercial or otherwise. Their location, number, size, design and relationship to each other and to other structures have a significant influence upon a community's appearance and welfare. Where signs are not properly regulated, they contribute to visual clutter which may have a negative effect upon a viewer's perception of the community and impede rather than enhance commerce. Furthermore, signs can impact traffic safety by interfering with necessary sight-distances or by distracting drivers, cyclists and pedestrians.

The regulations set forth in this Article will directly advance the public interest by preserving the appearance of residential and commercial buildings and areas and circumventing unsafe placement of signage and distraction to drivers or pedestrians.

The regulations are also designed to provide the greatest freedom of speech and expression consistent with the City's substantial interests in aesthetics and traffic safety. Traditional methods of conveying ideas, such as hand-held signs, window signs, and temporary signs, are allowed throughout the City without a permit. The regulations do not discriminate among signs based on their messages. Where permits are required, the regulations cabin the discretion of permitting authorities and provide an expeditious timeline for decisionmaking. As a result, those seeking permits will have a clear understanding of the requirements and there is no opportunity for permitting authorities to allow any viewpoint or message bias to affect their permitting decisions.

The regulations also recognize that there are certain times when additional signage might be desirable or necessary, such as when there is a special event, ongoing construction, or property for sale or lease, and allow for additional signage during these times. Again, the content-neutral regulations do not require any particular content to be placed on these signs, but the City has determined that, during these times, additional signs would not have an adverse affect on the City's aesthetic and traffic safety interests.

The City's General Plan identifies five main commercial areas in the City including the Village, Argonaut Shopping Center, the Gateway, Quito Shopping Center, and the commercial uses between Saratoga Avenue and Prospect Road (at Lawrence Expressway). The Sign Ordinance condenses these five areas into four sign district areas by combining all of the commercial uses along Saratoga-Sunnyvale Road including the Argonaut Shopping Center and the various centers located in the Gateway District into one sign district; the Saratoga-Sunnyvale District. Professional-administrative offices are scattered throughout the City and fall into one or more of the proposed sign districts.

The Village Sign District encompasses the Commercial-Historic (CH) zoning district which includes a mix of commercial, office, and residential uses. Big Basin Way is a two-lane corridor where a majority of the storefronts abut the sidewalk with parking in the rear. Thus, signage in the Village needs to reflect the pedestrian-oriented environment. The additional allowance for projecting signs that hang over the sidewalk at a perpendicular angle to the building help create a pedestrian flow as customers walk between buildings. Signs in the Village Sign District are further guided by the Village Design Guidelines.

The three remaining sign districts encompass all of the land currently zoned for Commercial-Visitor, Commercial-Neighborhood, and Professional-Administrative development (i.e., CV, CN, and PA). With the exception of free-standing sign height, sign regulations are the same for commercial and professional administrative uses in the three remaining sign districts. The Prospect Sign District borders San Jose and primarily consists of commercial uses and larger existing signs in general; thus higher signs in this District will not adversely affect the aesthetics of this area or create unsafe driving conditions. Moreover, the average speed of drivers travelling on Prospect Road and Lawrence Expressway is generally higher than other areas of the City. These higher speeds require larger signs for legibility. The lower height limit of free-standing signs in the Saratoga-Sunnyvale District is a reflection of the speed and volume of traffic along this major arterial along with the mix of residential and commercial uses. The free-standing sign height limit in the Quito District is lower than the Prospect and Saratoga-Sunnyvale Districts due to the lower traffic volumes as compared to the other two districts and the mix of residential, commercial, and office uses along this corridor. Signs in the Gateway area of the Saratoga-Sunnyvale District are further guided by the Gateway Design Guidelines.

The allowable area of building signs in each of the sign districts is based on the lineal feet of building frontage, so that signage is proportional to the building. This proportional approach also prevents the appearance of clutter, as it spreads out signage along the streets in each district.

Free-standing signs are located on the ground and are typically erected to identify the business to passing pedestrians and motorists, although the ordinance contains no limit on their content. Where multiple businesses and other uses open to the public are located on a single lot, additional free-standing signage is provided to allow these uses to identify each use in a fashion legible to passing pedestrians and motorists. This additional signage will reduce the likelihood of traffic accidents and unsafe driving practices as motorists search for their destinations. It will also reduce confusion of passing pedestrians and motorists.

Many businesses currently use electronic or neon signs to indicate when they are “open” or to identify the type of services they offer (e.g., “nails”). While these types of signs are consistent with the economic environment of commercial areas, their presence would be inconsistent with and intrusive to the more tranquil environment of residential areas.

The land outside of the four sign districts is primarily developed with agricultural, residential, and community-facilities (i.e., AP, A, ROS, HR, R1, RM, MUPD, and CFS zoning districts). Community facilities as defined in the Saratoga General Plan include institutional, public and quasi-public uses such as churches, schools, city facilities, libraries, museums, gardens, and meeting halls for civic organizations. These non-residential uses are scattered throughout the

City's residential, agricultural, and open space districts. They are generally located on larger lots and open to the public. As such, additional signs on the properties where these uses are permitted are necessary to safely guide traffic and pedestrians to these uses, and to limit the number of drivers who get lost looking for these uses. Drivers who are lost tend to perform u-turns and conduct other potentially unsafe driving practices while trying to find their destinations. Allowing additional signs on these community facilities will not undermine the overall aesthetic value of the City because these uses are spread out among residential uses. In addition, the City of Saratoga is largely built-out. Thus, it is unlikely that many additional community facilities will be developed. Moreover, by allowing some additional signs on lots where non-residential uses are permitted, as compared with lots with residential uses, the City does not intend to favor any particular viewpoint or speakers over others. The City's sole purpose is to ensure that drivers safely reach their destinations while balancing the aesthetic needs of the community where these non-residential uses are located. While there is no requirement that this additional signage contain any particular content, the City wishes to ensure that there is sufficient sign area allowed for these uses to identify themselves to the public for the reasons discussed above. Moreover, the mere existence of additional permanent signage on lots with community facilities will likely signal to drivers and others that the use is open to the public.

Signs located at the entrances to residential subdivisions and multi-family dwellings have a similar purpose in enabling both the traveling public and emergency personnel to quickly locate these residential areas for the purpose of either visitation or responding to emergency calls. Although no particular content is required on these signs, existing signs in the City often contain such identifying information. Moreover, the very presence of additional, permanent signage in these areas in residential neighborhoods tends to indicate the location of an entrance to a subdivision or the location of multi-family dwellings. Allowing a greater sign area on lots with multi-family dwellings is also consistent with free speech goals, given that more potential speakers live in multi-family dwellings than in single family homes.

Traffic control signs and devices erected by the City and other government entities are essential to the safe functioning of City streets. The City frequently utilizes traffic control and warning or danger signs to inform drivers and pedestrians of traffic regulations, hazards, construction work, special events, and other information essential to the public's safe use of roads, buildings, and parks. These signs include "Stop," "Yield," "No U-Turn," "One Way," speed limit, and street name signs, among others. They must be located immediately adjacent to the street or overhead. They must be visible to drivers and must be located so that drivers can see and take notice of the sign's information in time to act, given the speeds at which cars are travelling at a given location. Sometimes, they must be made of reflective material or incorporate flashing lights so that they are visible to drivers at night. The City also erects and maintains temporary traffic control signs and devices when engaged in road construction or maintenance work. These signs typically inform drivers of the location of the City's work, direct traffic around the work site, and notify drivers of reduced speeds. Such signs include "Lane Closed," "Detour," "Slow," "Men At Work," etc. These signs are frequently located in the street or along the shoulder of the road where construction or maintenance is occurring. In the event that the City needs to repair or maintain the City's sidewalks, the City will erect signs notifying pedestrians of this work. Such signs include "Sidewalk Closed," "Use Other Sidewalk," etc. When sidewalks must be closed, these signs are located across the closed sidewalk to keep pedestrians from using the closed

sidewalk. The City also erects and maintains temporary traffic control and warning or danger signs when there has been an accident or other emergency situation. These signs notify drivers that an accident has occurred and direct traffic around the accident site. These signs include “Caution” and “Lane Closed” signs, among others.

These traffic control signs and devices are essential to the safe movement of traffic and pedestrians on City streets and sidewalks. If the City could not use reflective or illuminated traffic control signs, drivers and pedestrians would be placed in significant danger because drivers would not see important information—such as “Stop” signs, etc.—in time to react. If drivers cannot see this information in time to react, they will be more likely to get into accidents with other drivers and pedestrians. Similarly, if the City could not place signs in the road, along the shoulder, or blocking sidewalks, as needed, drivers and pedestrians would be placed in significant danger. Traffic control, warning and danger signs must be placed where drivers and pedestrians can see them. In the case of road construction or traffic accidents, signs must be placed between oncoming traffic and the personnel working on the road (e.g., construction crews, emergency response workers). If the City could not place signs in this way, these personnel would be exposed to greater risk of being struck by oncoming traffic. “Sidewalk closed” signs are also more effective if placed across the sidewalk to prevent passage. When there is an emergency situation, such as a car accident, the City must erect the appropriate traffic control, warning and danger signs quickly—within minutes or hours—to effectively protect the safety of emergency response workers and the public. The City could not effectively protect these workers and the public if it were required to obtain a sign permit from the City Planning Department prior to erecting these traffic control signs and devices. For traffic control signs to be effective, it is also important that their messages not be “drowned out” by other signs. If the City allowed all speakers to erect illuminated, reflective signs along City streets and sidewalks, such signs would distract drivers from the messages on the City’s traffic control signs. This distraction would likely lead to an increase in accidents as drivers would not be adequately warned about traffic control regulations and dangers.

Likewise, it is essential that governmental entities be allowed to erect utility location signs, utility identification signs, and utility markers without a permit and in any location throughout the City. For example, these signs may need to be located in the public right-of-way to alert the public of downed power lines. They also must be made of bright, attention-getting material to alert the public of potential dangers. Failure to alert the public of utility locations and dangers could result in serious injury.

There are certain types of signs, , that, by their very nature, are unattractive, intrusive, distracting, and dangerous. These signs include, but are not limited to: obscene signs; signs that obstruct egress from buildings; signs that conflict with traffic control signs or misdirect traffic; digital signs; signs made of reflective material; signs incorporating flashing or moving parts; mobile billboard advertising displays and other types of advertising displays painted on vehicles; posters, placards, announcements, and advertisements erected on fences, poles, trees, etc. in or upon the public right of way. Similarly, attention-getting devices attached to signs, such as streamers, balloons, flares, pennants, and twirlers, can create a look of clutter as well as distract motorists if employed in great numbers.

Article 15-30 - SIGNS

Sections:

- 15-30.010 - Purposes of Article 15-30**
- 15-30.020 - Definitions**
- 15-30.030 - General Provisions**
- 15-30.040 - Sign Design Criteria**
- 15-30.050 - Prohibited Signs**
- 15-30.060 - Signs Allowed in Any Zoning District without a Sign Permit**
- 15-30.070 - Village Sign District**
- 15-30.080 - Prospect Sign District**
- 15-30.090 - Quito Sign District**
- 15-30.100 - Saratoga-Sunnyvale Sign District**
- 15-30.110 - Temporary On-Site Signs on Lots in any Sign District**
- 15-30.120 – Signs on Lots with Institutional, Public, or Quasi-Public Uses**
- 15-30.130 - Signs on Lots with Multi-Family Dwellings or Residential Subdivisions**
- 15-30.135 – Wall Signs on Lots Zoned Residential and Agricultural**
- 15-30.140 - Temporary On-site Sign on Signs for Residential Properties Actively Marketed for Sale or Lease**
- 15-30.145 - Temporary Off-Site Signs in Residential Districts**
- 15-30.150 - Sign Permits**
- 15-30.160 - Sign Programs**
- 15-30.170 - Expiration, Extension, and Renewal of Sign Permit Approval**
- 15-30.180 - Sign Alteration**
- 15-30.190 - Sign Conformance, Violations and Abatement of Illegal Signs**
- 15-30.200 - Sign Permit Variance**
- 15-30.210 – Substitution Clause**
- 15-30.220 - Severability**

15-30.10 - Purposes of Article 15-30

The purposes of the regulations in this Article are to:

- (a) Ensure high-quality designed signs are compatible with adjacent land uses and preserve the residential character of the City;
- (b) Prevent substandard sign generation and sign clutter which is counterproductive to business and visually unattractive to the community;
- (c) Direct persons to various activities and enterprises in the City;
- (d) Protect the public safety and reduce traffic and safety hazards through proper location and design of signs; and
- (e) Provide a reasonable and constitutional system of sign control including the quantity, type, placement, size, illumination and design of signs.

15-30.020 – Definitions

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them in this Section, unless the context or provision clearly requires otherwise:

- (a) **Active Construction** means ongoing construction or remodeling under an active City permit.
- (b) **Actively Marketed** means currently marketed for sale or lease.
- (c) **Advertising Display or Advertising Sign** means any sign promoting a business or the sale of a good, service, or other commodity.
- (d) **A-Frame Sign** means a sign with two sides that are adjoined at the top and sloping down at opposite angles.
- (e) **Alteration** means any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.
- (f) **Building Sign** means a wall sign or a projecting sign.
 - (1) **Wall sign** means a sign that is erected, printed, painted, incorporated into, suspended from or otherwise affixed to a wall or fascia of a building or structure with the exposed face of the sign parallel to the plane of the wall.
 - (2) **Projecting Sign** means a sign that projects outward from a building at a perpendicular angle or hangs below an awning, canopy, overhang, or covered walkway.
- (g) **Business** is defined in Section 4-05-020 of this Code. No single tenant or building occupant shall have more than one primary business for the purposes of this Article.
- (h) **City** means the City of Saratoga, California.
- (i) **Director** means the Community Development Director or designee.
- (j) **Double Faced Sign** means a sign with two faces, with each face oriented one hundred eighty (180) degrees (back to back) from the other.
- (k) **Electronic Sign** means a sign which uses electrified or luminous materials to display a fixed graphic or message to the public.
- (l) **Free-Standing Sign** means a selfsupported sign either mounted on one pole (pole sign) or mounted to the ground (monument sign).
- (m) **Hand-Held Sign** means a sign that is held or carried by a person, rather than placed on the ground or other support structure.
- (n) **Illuminated Sign** means a sign illuminated by either internal or external lighting.
 - (1) **Internally illuminated sign** means a sign with a source of illumination that is completely enclosed by the surface of the sign structure or the characters of the sign.
 - (2) **Externally illuminated sign** means a sign with a source of illumination that is not completely enclosed by any portion of the sign.
 - (3) **Halo-Lit sign** means a sign in which the light reflects back off the solid face of the sign or channel cut letter, and onto the facade of the building to give it a halo effect.
- (o) **Mobile Billboard Advertising Display** means an advertising display that is attached to a wheeled, mobile, non-motorized vehicle that carries, pulls, or transports a sign or billboard and is used for the primary purpose of advertising.
- (p) **Multi-Family Dwelling** is defined in subsection 15-06.240(c) of this Code.
- (q) **Non-Commercial Sign or Message** means a sign or message other than an advertising display or sign.
- (r) **Off-site Sign** means an advertising sign that identifies or advertises a location, service, activity, or good sold elsewhere than upon the same site where such a sign is displayed.

- (s) **On-site Sign** means an advertising sign that identifies or advertises an establishment, service or activity that is or will be provided on the same premises.
- (t) **Permanent Sign** means a sign that is constructed to be used for an unlimited period of time and that is affixed to the ground, wall, or building in a permanent manner.
- (u) **Sign** means any structure or material that is used to advertise, announce, identify, direct attention to, or communicate a message, and which is not visible from any adjacent property, public right-of-way, or public parking lot. The word “sign” includes but is not limited to any letter, writing, graphic, pictorial representation, logo, trademark, symbol, or any other figure. The word “sign” includes but is not limited to a banner, building sign, canopy sign, awning sign, free-standing sign, subdivision sign, and window sign. A mural, sculpture, or seasonal decoration that does not promote or advertise a commercial event, service for hire, or product for sale is not a “sign” for purposes of this Article.
- (v) **Sign District** means a designated area within the City of Saratoga within which certain regulations apply to signs erected, installed, or retained. The sign districts include permitted non-residential uses other than institutional, public, and quasi-public uses. A map of the sign districts is available at the Community Development Department.
 - (1) **Village Sign District.** This sign district includes all lots with permitted non-residential uses on Big Basin Way.
 - (2) **Quito Sign District.** This sign district includes all lots with permitted non-residential uses on Cox Avenue, Village Drive, and Saratoga Avenue between Cox Avenue and Vineyard Lane.
 - (3) **Prospect Sign District.** This sign district includes all lots with permitted non-residential uses on Prospect Road between Lawrence Expressway and Saratoga Avenue.
 - (4) **Saratoga-Sunnyvale Sign District.** This sign district includes all lots with permitted non-residential uses on:
 - a. Saratoga-Sunnyvale Road between Prospect Avenue and Aloha Avenue.
 - b. Prospect Road between Saratoga-Sunnyvale Road and the Highway 85 underpass.
 - c. Saratoga Avenue between Park Place and the intersection of Saratoga-Sunnyvale Road and Saratoga-Los-Gatos Road.
 - d. Saratoga-Sunnyvale Road between Prospect Avenue and the train tracks (north of Manor Drive).
- (w) **Sign Program** means a master plan for signage approved by the Planning Commission pertaining but not limited to the area, dimension, color, material, design, size, placement, and illumination of all signs to be erected or installed on a building(s) or lot.
- (x) **Street Frontage** means the property line of a site abutting a street.
- (y) **Temporary Sign** means a sign that is displayed for a limited period of time.
- (z) **Tenant Frontage** means the width of tenant space, measured in lineal feet, where the most-traveled customer entrance to an individual establishment is located. If the tenant space is located on the corner of a building facing either a street or a parking lot, the width of both sides of the tenant space may be used for calculating allowable sign area.

- (aa) **Traffic Control Sign or Device** means any non-advertising sign, signal, marking or device used for the purpose of regulating, warning or guiding traffic, parking, loading, or pedestrian movement.
- (bb) **Window Sign** means a sign that is displayed on a window, or within five (5) feet of a window, and is visible from a street, walkway, parking lot, or other place that is accessible to the public.

15-30.030 - General Provisions

- (a) **General Compliance.** No sign shall be erected, installed, altered or maintained in the City, including within or upon public and private streets therein, except in conformity with the provisions of this Article, and the particular regulations of the district in which the sign is located.
- (b) **Construction Standards.** All signs shall be constructed in such manner as to protect the public safety. Construction of permanent signs shall be as set forth in the latest edition of the California Building Code or other construction standard adopted by the City.
- (c) **Street Intersections.** No sign or sign element exceeding three feet in height shall be located within a triangle having sides fifty feet in length from a street intersection (as measured from intersecting curblines or intersecting edges of the street pavement where no curb exists) unless otherwise approved by the City.
- (d) **Driveway Intersections.** No sign or sign element exceeding three feet in height shall be located within a triangle having sides twelve feet in length from either side of a driveway where it intersects with edge of pavement.
- (e) **Site Restriction.** All signs advertising a good, service, or any other commercial activity shall be located on the same lot as the business or entity selling the good, offering the service, or engaging in the advertised commercial activity, except as otherwise expressly provided in this Article. This restriction does not apply to signs displaying only non-commercial messages.
- (f) **Multiple Uses on Same Site.** The allowable area of signage for a single use shall not exceed the maximum allowable area of signage for that individual use, regardless of the amount of signage allowed for others uses on the site.
- (g) **Reduction of Sign Area, Height, Type, and Number.** The regulations concerning sign area, height, type, or number, do not confer upon any person the right to erect, install or maintain a sign or signs having such maximum area, height, type, or number. The approving authority may require that the area, height, type, or number of sign(s) be reduced below the maximum set forth herein, based upon a written finding that such reduction is necessary to satisfy the criteria set forth in this Article. The approving authority shall not consider the content of the proposed sign in making this finding.
- (h) **Legibility.** All signs shall be legible under normal viewing conditions.
- (i) **Maintenance of Signs.**
 - (1) All signs shall be maintained in a secure and safe condition.
 - (2) All signs shall be kept free of rust, corrosion, peeling paint, cracks, fading, torn and tattered materials, or other surface deterioration.
 - (3) Illuminated signs shall function as designed and permitted.

(4) Signs that are not maintained in accordance with subsections 15-30.040(i)(1)-(3), whether conforming or legal nonconforming as defined in Section 15-30.190(b), shall be subject to abatement in accordance with this Article.

(j) **Application of Article.** This Article shall apply to all property located within the City, except public streets, property and property rights owned by the City, railroad rights-of-way and underground public utility lines and facilities. With the above noted exceptions, this Article applies to all such property whether the same be owned by private persons, firms, corporations or organizations, or by the State or any of its agencies or political subdivisions, or by any County, or by any City with the exception of the City of Saratoga, and without limitation of the foregoing, is intended to apply fully to all property owned by or under the control of any authority or district, including school districts, organized under the laws of the State.

15-30.040 - Design Criteria

- (a) **Size of Letters.** Unless otherwise authorized in this Article, no sign shall have letters greater than eighteen inches in any dimension.
- (b) **Sign Height** is calculated by measuring the vertical distance from the average ground level directly beneath the sign to the highest point at the top of the sign. All architectural and design elements, poles, posts, and other supporting structures are included in the calculation of height.
- (c) **Sign Area** means the area of the smallest rectangle drawn to include all sign copy (e.g., letters, characters, symbols, graphics, logos). Where the sign copy is placed upon a sign board or other background surface, the exposed board or background surface shall be calculated in the sign area.
- (d) **Sign Materials.** All permanent signs shall be constructed and maintained with high quality all-weather wood, metal, or durable synthetic materials, unless otherwise specified under this Article. Signs permitted under Section 15-30.060 may be made of any material, unless otherwise specified in this Article.
- (e) **Illuminated Signs.** All permanent building and free standing signs may be either illuminated or non-illuminated, provided that illuminated signs must be approved by the Planning Commission pursuant to Subsection 15-30.150(c) or 15-30.160. No temporary sign may be illuminated unless specifically provided in this Article. All illuminated signs shall comply with the following, unless otherwise specified under a sign program:
 - (1) The primary source of light shall not be visible from off the property.
 - (2) The sign shall not cause annoying glare.
 - (3) The sign may be subject to conditions, including, but not limited to, the intensity, type, location, and the time during which the sign may be illuminated, per Section 15-30.150.
 - (4) Illuminated building signs in the Village Sign District shall either be externally illuminated or a halo-lit solid surface. Signs in the Village shall not be comprised of channel cut letters.
 - (5) Illuminated building signs in the Prospect Sign District, Quito Sign District, and Saratoga-Sunnyvale Sign District shall either be externally illuminated, halo-lit, or internally illuminated individual channel cut letters.
 - (6) Illuminated cabinet signs are not permitted.

(7) Illuminated free-standing signs shall be externally illuminated.

(f) **Free-Standing Signs.**

(1) Monument signs may be mounted directly on the ground or on two posts where the posts supporting the sign are no more than two feet high, as measured from the ground to the bottom of the sign.

(2) Pole signs are mounted directly on one pole. The pole supporting the sign shall not extend more than two feet above the top of the sign.

(g) **Sign Projection.** No sign shall extend above the ridge line of the building upon which it is located. No sign shall project over a public right-of-way (e.g., sidewalk, street, alley), unless otherwise authorized in this Article.

15-30.050 - Prohibited Signs

The following signs are prohibited everywhere within the City:

- (a) Signs made of reflective material, and signs incorporating flashing or moving parts, except for traffic control signs or devices erected by a governmental entity. Televisions or monitors less than three (3) square feet in area are excluded from this prohibition.
- (b) Mobile billboard advertising displays.
- (c) Advertising displays that are painted or attached to a vehicle parked on any property for more than 48 hours within a one week period, if the sign is larger than 20% of the body panel (e.g. door, hood, roof) on which it is located.
- (d) Streamers, balloons, flares, pennants, twirlers and similar attention-getting devices on or incorporated into any advertising display.
- (e) Posters, placards, announcements, and advertisements that are erected on any fence, pole, tree, pavement, wall, bus stop, bench, or any other object permanently affixed in or upon a public highway, public street or public right-of-way, except for traffic control signs or devices erected by a governmental entity and banners erected on light poles by a governmental entity.
- (f) Obscene signs, which are defined as signs containing depictions or representations which (a) taken as a whole, the average person, applying contemporary community standards, would find appeals to the prurient interest; (b) depict or describe, in a patently offensive way, sexual conduct specifically defined by California law; and (c) taken as a whole, lack serious literary, artistic, political, or scientific value.
- (g) Signs that obstruct any door, window, fire escape or other egress path from any building.
- (h) Signs or sign structures that conflict with traffic control signs or devices; interfere with, obstruct, or misdirect traffic; impede pedestrian movement; obstruct the clear view of vehicular or pedestrian traffic; or otherwise create a pedestrian or vehicular safety hazard.
- (i) Any signs other than those allowed by this Article.

15-30.060 – Signs Allowed in Any Zoning District Without a Sign Permit

The following signs are allowed without a sign permit in any zoning district in the City.

- (a) **Flags**, provided that they display only non-commercial messages. The aggregate area of all flags displayed on any lot shall not exceed 30 square feet. All flags displayed on a lot shall be mounted on a single, permanent flagpole no higher than 25 feet.

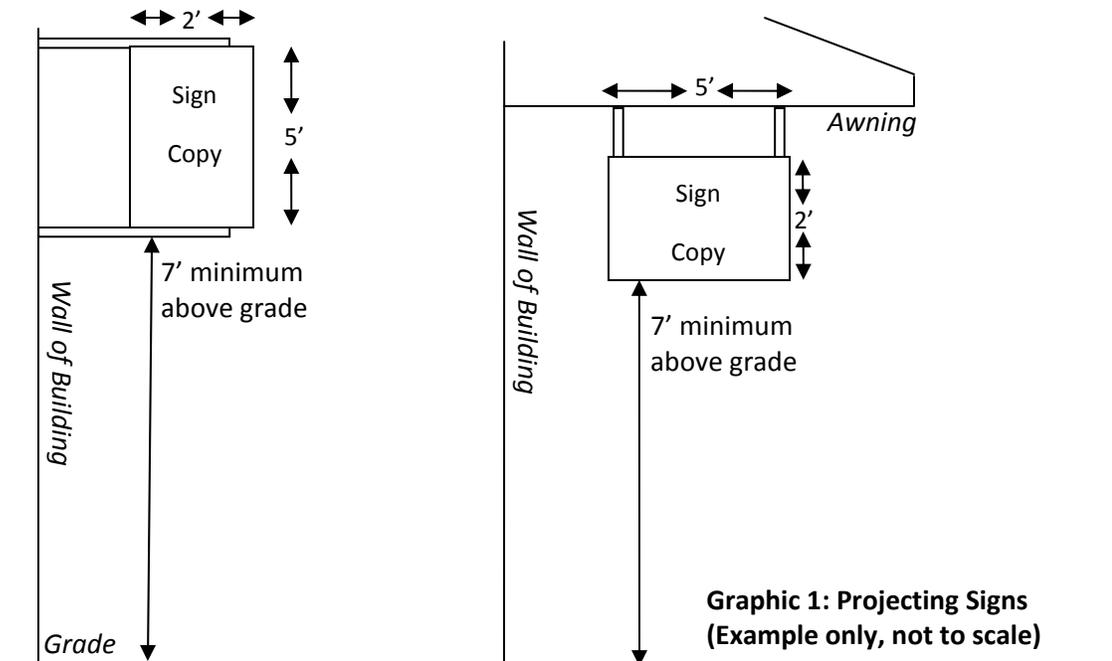
- (b) **Hand-Held Signs** displaying non-commercial messages.
- (c) **Window Signs**, provided that the signs do not comprise more than 25% of the area of any individual window.
- (d) **Temporary Special Event Signs** included with a Special Event Permit issued per City Code Article 10-10. There shall be no more than eight temporary signs per event and no individual sign shall exceed ten (10) feet in height and sixty (60) square feet in area.
- (e) **Temporary Non-Commercial Signs** (including but not limited to election signs), provided that:
 - (1) No sign shall be displayed for more than seventy-five cumulative days within a one year period.
 - (2) No sign shall exceed four (4) square feet in area and three (3) feet in height.
 - (3) The sign shall not be illuminated.
 - (4) No sign shall be thicker than one-half inch, except for support posts firmly planted in the ground.
 - (5) A temporary, non-commercial sign located on private property may incorporate balloons, ribbons, streamers, or other attention-getting devices, provided these devices are not displayed for more than 24 consecutive hours at a time, nor more than six 24-hour periods in any one year.
 - (6) Signs may be located on private property with the permission of the property owner.
 - (7) No sign shall be located on any median, street, travel lane or on any sidewalk where it impedes pedestrian travel.
- (f) **Temporary Signs on Lots with Active Construction.** In addition to the temporary, non-commercial signs allowed pursuant to subsection 15-30.060(e), up to two temporary, non-illuminated on-site or non-commercial signs on any active construction site, provided that:
 - (1) The sign shall be located on the same lot as the construction project.
 - (2) One sign may be free-standing, but in such case shall not exceed six (6) feet in height.
 - (3) One sign may be located on a construction fence.
 - (4) No sign shall exceed 15 square feet in area.
- (g) **Banners on Light Poles** erected by a governmental entity.
- (h) **Traffic control signs and devices** erected by a government entity. Lots with a parking area exceeding ten spaces may have up to four (4) signs for every 10 parking spaces, where each sign shall not exceed two (2) square feet in area and four (4) feet in height.
- (i) **Utility location signs, utility identification signs, and utility markers** erected by a governmental entity.
- (j) **City Entrance Signs.** One permanent sign adjacent to an arterial street at each entrance to the City. The total sign area of each sign shall not exceed 50 square feet.

15-30.070 –Village Sign District

In addition to other signs allowed pursuant to Sections 15-30.060 and 15-30.110, the following signs are allowed on lots in the Village Sign District with a sign permit. Signs on lots in the Village Sign District shall also be consistent with the Village Design Guidelines.

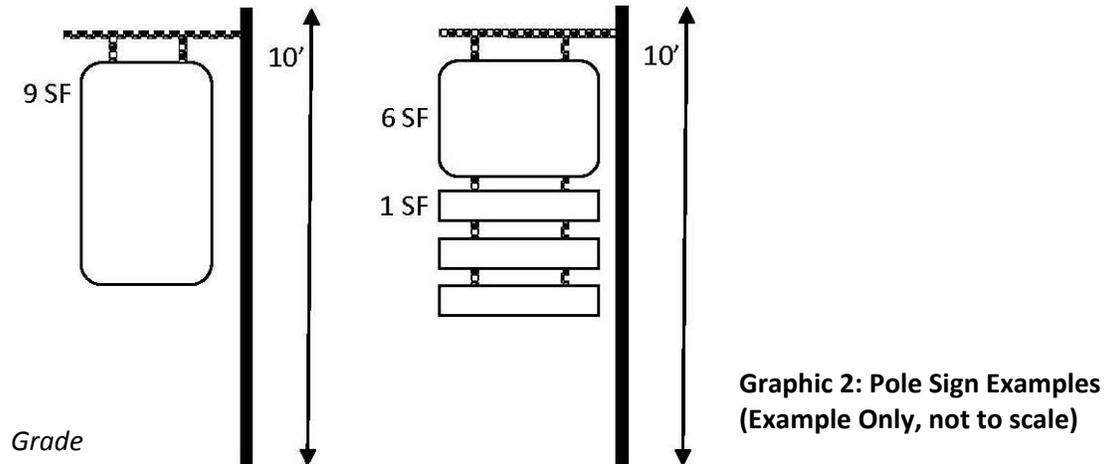
- (a) **Building Signs.**

- (1) **Primary Building Signs.** Any number of permanent building signs, provided that the aggregate area of all building signs upon any one building shall not exceed one-half square foot of area for each lineal foot of tenant frontage, as defined in Section 15-30.020, or 40 square feet, whichever is less.
- (2) **Wall Signs on Buildings with More than One Entrance.** One permanent building sign, each not exceeding two (2) square feet in area, over each additional entrance to the building.
- (b) **Projecting Sign.** If one of the primary building signs permitted pursuant to 15-30.070(a)(1) is a projecting sign, the maximum area for all building signs upon any one building shall be increased by six (6) square feet. However, no projecting sign permitted pursuant to this section shall exceed 10 square feet in area and the bottom of the sign shall be at least seven (7) feet above the grade below. An example of a projecting sign is shown in Graphic 1.



- (c) **Electronic Sign.** One electronic sign (e.g., neon or L.E.D.), not exceeding two (2) square feet in area, provided that:
 - (1) The entire sign shall be comprised of one or a maximum of two solid colors.
 - (2) The sign shall not flash or be composed of a changeable message.
 - (3) The sign shall not be illuminated when the use is closed.
 - (4) If the sign is located on a building, it shall count towards the maximum building sign allowance.
 - (5) If the sign is located in a window, it shall count towards the maximum window coverage.
- (d) **Free-Standing Sign.** One permanent free-standing sign per lot, as follows:

- (1) **Four (4) or Fewer Uses.** The sign shall only be a pole sign and shall not exceed nine (9) square feet in area or ten (10) feet in height. An example is shown in graphic 2.
- (2) **Five (5) or More Uses.** The sign shall only be a monument sign and shall not exceed 14 square feet in area, plus one (1) additional square foot of area for each additional use over five (5) uses. The sign shall not exceed 6.5 feet in height.



15-30.080 -Prospect Sign District

In addition to other signs allowed pursuant to Sections 15-30.060 and 15-30.110, the following signs are allowed on lots in the Prospect Sign District with a sign permit.

- (a) **Primary Building Signs.** Any number of permanent building signs, provided that the aggregate area of all building signs upon any one building shall not exceed one-half square foot of area for each lineal foot of tenant frontage, as defined in section 15-30.020, or 40 square feet, whichever is less.
- (b) **Wall Signs on Buildings with More than One Entrance.** One permanent building sign, each not exceeding two (2) square feet in area, over each additional entrance to the building.
- (c) **Electronic sign.** One electronic sign (e.g., neon or L.E.D.), not exceeding two (2) square feet in area, provided that:
 - (1) The entire sign shall be comprised of one or a maximum of two solid colors.
 - (2) The sign shall not flash or be composed of a changeable message.
 - (3) The sign shall not be illuminated when the use is closed.
 - (4) If the sign is located on a building, it shall count towards the maximum building sign allowance.
 - (5) If the sign is located in a window, it shall count towards the maximum window coverage.
- (d) **Free-Standing Sign.** One permanent free-standing sign, as follows:
 - (1) **One (1) or Two (2) Uses.** The sign shall not exceed 15 square feet in area or 17 feet in height.
 - (2) **Three (3) or Four (4) Uses.** The sign shall not exceed 25 square feet in area or 17 feet in height.
 - (3) **Five (5) or More Uses.** The sign shall only be a monument sign and shall not exceed 40 square feet in area or 10 feet in height.

15-30.090 - Quito Sign District

In addition to other signs allowed pursuant to Sections 15-30.060 and 15-30.110, the following signs are allowed on lots in the Quito Sign District with a sign permit.

- (a) **Primary Building Signs.** Any number of permanent building signs, provided that the aggregate area of all building signs upon any one building shall not exceed one-half square foot of area for each lineal foot of tenant frontage, as defined in Section 15-30.020, or 40 square feet, whichever is less.
- (b) **Wall Signs on Buildings with More than One Entrance.** One permanent building sign, each not exceeding two (2) square feet in area, over each additional entrance to the building.
- (c) **Electronic sign.** One electronic sign (e.g., neon or L.E.D.), not exceeding two (2) square feet in area, provided that:
 - (1) The entire sign shall be comprised of one or a maximum of two solid colors.
 - (2) The sign shall not flash or be composed of a changeable message.
 - (3) The sign shall not be illuminated when the use is closed.
 - (4) If the sign is located on a building, it shall count towards the maximum building sign allowance.
 - (5) If the sign is located in a window, it shall count towards the maximum window coverage.
- (d) **Free-Standing Sign.** One permanent free-standing sign, as follows:
 - (1) **One (1) or Two (2) Uses.** The sign shall not exceed 15 square feet in area or 10 feet in height.
 - (2) **Three (3) or Four (4) Uses.** The sign shall not exceed 25 square feet in area or 10 feet in height.
 - (3) **Five (5) or More Uses.** The sign shall only be a monument sign and shall not exceed 40 square feet in area or 10 feet in height.

15-30.100 - Saratoga-Sunnyvale Sign District

In addition to other signs allowed pursuant to Sections 15-30.060 and 15-30.110, the following signs are allowed on lots with non-residential uses in the Saratoga-Sunnyvale Sign District with a sign permit. Signs on lots located in the Saratoga-Sunnyvale Road Gateway area shall also be consistent with the Gateway Design Guidelines.

- (a) **Primary Building Signs.** Any number of permanent building signs, provided that the aggregate area of all building signs upon any one building shall not exceed one-half square foot of area for each lineal foot of tenant frontage, as defined in Section 15-30.020, or 40 square feet, whichever is less.
- (b) **Wall Signs on Buildings with More than One Entrance.** One permanent building sign, each not exceeding two (2) square feet in area, over each additional entrance to the building.
- (c) **Electronic sign.** One electronic sign (e.g., neon or L.E.D.), not exceeding two (2) square feet in area, provided that:
 - (1) The entire sign shall be comprised of one or a maximum of two solid colors.
 - (2) The sign shall not flash or be composed of a changeable message.
 - (3) The sign shall not be illuminated when the use is closed.
 - (4) If the sign is located on a building, it shall count towards the maximum building sign allowance.

- (5) If the sign is located in a window, it shall count towards the maximum window coverage.
- (d) **Free-Standing Sign.** One permanent free-standing sign, as follows:
 - (1) **One (1) or Two (2) Uses.** The sign shall not exceed 15 square feet in area or 12 feet in height.
 - (2) **Three (3) or Four (4) Uses.** The sign shall not exceed 25 square feet in area or 12 feet in height.
 - (3) **Five (5) or More Uses.** The sign shall only be a monument sign and shall not exceed 40 square feet in area or 10 feet in height.

15-30.110 – Temporary On-Site Signs on Lots in Any Sign District

In addition to other signs allowed pursuant to Sections 15-30.060 through 15-30.100, temporary signs that comply with the following standards are allowed on lots in any of the four sign districts without a permit:

- (a) One temporary banner or free standing on-site sign, provided that:
 - (1) Temporary on-site banner shall comply with the following:
 - a. The banner shall only be placed on a building.
 - b. The banner shall not exceed 10 square feet in area.
 - c. The banner shall be constructed of durable all-weather fabric or synthetic material.
 - d. Each lot shall be free of temporary on-site banners at least 180 days in a calendar year.
 - e. No individual temporary on-site banner shall be displayed more than 30 consecutive days.
 - (2) Temporary on-site free-standing sign (including but not limited to A-frame type sign) shall comply with the following:
 - a. The sign shall only be located within 10 feet from the primary entrance to the building and shall not impede pedestrian travel.
 - b. The sign shall not exceed four (4) square feet in area and three (3) feet in height.
 - c. The sign shall not be affixed to any tree or structure.
 - d. The sign shall only be displayed when the business is open.
 - e. The sign shall be constructed of durable all-weather wood, metal, and/or blackboard.
- (b) No business shall display more than one temporary on-site sign at any one time.
- (c) No temporary on-site sign shall be located within 10 feet of another temporary sign.
- (d) No temporary on-site sign shall be illuminated.
- (e) No temporary on-site sign shall include balloons, ribbons, streamers, or other attention-getting devices.
- (f) No temporary on-site sign shall be located on any median, street, or travel lane, or upon any sidewalk where it impedes pedestrian travel.

15-30.120 – Signs on Lots with Institutional, Public, or Quasi-Public Uses.

In addition to other signs allowed pursuant to Sections 15-30.060, 15-30.110, and 15-30.145, the following signs are allowed on lots with an Institutional, Public, or Quasi-Public use anywhere in the City.

- (a) **Building Signs:** Any number of permanent building sign(s) on any lot are allowed with a sign permit, provided that:
 - (1) The aggregate area of all permanent building sign(s) shall not exceed 40 square feet.
 - (2) No individual permanent building sign shall be greater than 10 square feet in area.
- (b) **Free-Standing Signs:** Up to two permanent free-standing sign(s) per street frontage, or one permanent free-standing sign per driveway, whichever is greater are allowed with a sign permit provided that:
 - (1) The aggregate area of all permanent free-standing sign(s) shall not exceed 40 square feet.
 - (2) No individual permanent free-standing sign shall exceed 10 feet in height and the aggregate height of all such signs shall not exceed 15 feet.
- (c) **Temporary Signs:** On-site temporary signs are allowed without a sign permit, provided that the aggregate area of all such signs shall not exceed 40 square feet or one-eighth square foot of area for each lineal foot of street frontage, whichever is greater. In no case, shall the aggregate total of all temporary on-site signs exceed 80 square feet. If the property has more than one street frontage, the total area of on-site temporary signs shall be proportional to the lineal feet of such street frontage.
 - (1) No individual temporary on-site sign shall be displayed on a building for more than 30 consecutive days.
 - (2) Up to two temporary on-site signs may be displayed on a single permanent free-standing dark colored durable all-weather wood or metal frame structure.
 - a. The maximum height of the structure shall be six (6) feet.
 - b. One structure may be located on each street frontage.
 - c. No individual sign shall be displayed on such free-standing structure for more than 180 consecutive days.

15-30.130 - Signs on Lots with Multi-Family Dwellings or Residential Subdivisions

In addition to other signs allowed pursuant to Sections 15-30.060, 15-30.140, and 15-30.145 the following signs are allowed on lots with multi-family dwellings or residential subdivisions with a permit.

- (a) One permanent free-standing sign per lot, provided that:
 - (1) The sign shall not exceed 24 square feet in area and six (6) feet in height.
 - (2) The sign shall be located at the entrance to the multi-family dwelling complex or subdivision.

15-30.135 - Wall Signs on Lots Zoned Residential and Agricultural. In addition to other signs allowed pursuant to Sections 15-30.060 and 15-30.145, one non-illuminated wall sign not exceeding two (2) square feet in area is allowed on lots zoned Residential or Agricultural.

15-30.140 - Temporary On-Site Sign on Lots with Residential Properties Actively Marketed for Sale or Lease

In addition to other signs allowed pursuant to Sections 15-30.060, 15-30.130, and 15-30.145, the following signs are allowed on lots with residential properties actively marketed for sale or lease without a permit.

- (a) One temporary on-site sign may be located on a property that is actively marketed for sale or lease, provided that:
 - (1) The sign shall not exceed four (4) square feet in area and six (6) feet in height.
 - (2) The sign shall not include balloons, ribbons, streamers, or other attention-getting devices.

15-30.145 - Temporary Off-Site Signs in Residential Districts. In addition to other signs allowed pursuant to Section 15-30.060, 15-30.130 and 15-30.140, the following signs are allowed on lots in residential districts without a permit.

- (a) Any number of temporary off-site signs (including but not limited to real estate open house signs) are allowed, provided that:
 - (1) No individual sign shall exceed two (2) square feet in area and three (3) feet in height.
 - (2) No more than two identical signs per intersection shall be displayed.
 - (3) The signs shall only be displayed between dawn and dusk.
 - (4) No sign shall include balloons, ribbons, streamers, or other attention-getting devices.
 - (5) No sign shall be located on any median, street, travel lane or on any sidewalk where it impedes pedestrian travel. Off-site signs may be located on property with the permission of the property owner.

15-30.150 - Sign Permit

- (a) **Sign Permit Application Requirements.** An application for a sign permit shall be made to the Community Development Department in accordance with this Article and shall contain the following information, as applicable:
 - (1) A site plan showing the lot on which the proposed sign(s) will be located, adjacent land uses, streets, and parking lots; the location of off-street parking and loading spaces; major points of entry and exit for motor vehicles; existing or proposed buildings and structures on the site; the primary entrance to the building; the lineal feet of tenant frontage(s) used for calculating sign area; and the location of all existing and proposed signs on the building(s) or ground.
 - (2) A scaled elevation drawing showing the building(s) upon which the proposed sign(s) will be located; the lineal feet of the tenant frontage(s) used for calculating sign area; and the placement and dimensions, including height, of all existing and proposed signs on the building(s) or ground.
 - (3) A scale drawing showing the size, height, sign dimensions, letter dimensions, colors, materials and general design and construction of the proposed sign(s) or sign structure(s). If a sign is to be illuminated, the method, source, intensity, and placement of illumination.
 - (4) A table showing the dimensions and area for each existing or proposed sign on the lot and the aggregate area of all existing and proposed signs on the lot.
 - (5) Such other information as the Director or the Planning Commission may require in determining whether the proposed sign(s) will comply with the regulations and standards of the City; provided, however, that the Director and the Planning Commission shall not consider the content of any proposed sign in determining whether additional information is required.

(b) Administrative Review.

- (1) The Director shall review and approve or deny, pursuant to this Article and the findings in subsection 15-30.150(e), sign permits for each of the following types of signs.
 - a. Any sign that is located on a property that is consistent with an approved sign program.
 - b. Any non-illuminated building sign that does not require a sign program.
- (2) An administrative sign permit may be issued as soon as the application is found complete.
- (3) The Director may refer any sign permit application to the Planning Commission for their review. If the Director refers an application, he/she shall provide the applicant with his/her reasons for the referral in writing.

(c) Planning Commission Review.

- (1) The Planning Commission shall review and approve or deny, pursuant to this Article and the findings in subsection 15-30.150(e), a sign permit for each of the following types of signs.
 - a. Illuminated signs that are not already subject to a Sign Program.
 - b. Free-standing signs that are not already subject to a Sign Program.
 - c. All Signs on lots with five (5) or more businesses or other uses that are not already subject to a Sign Program.
 - d. Any application for a sign permit referred by the Director to the Planning Commission for a decision thereon.

(d) Public Hearing. A public hearing is required for any new Sign Program and all free-standing signs over six (6) feet in height. Notice of the public hearing shall be given not less than 10 days nor more than 30 days prior to the date of the hearing by mailing, postage prepaid, to the applicant and to all persons whose names appear on the latest available assessment roll of the County as owning property within 500 feet of the boundaries of the parcel which is the subject of the application. Notice of the public hearing shall also be published once in a newspaper having general circulation in the City not later than 10 days prior to the date of the hearing.

(e) Sign Permit Findings. A sign permit shall be granted if and only if all of the following findings are made:

- (1) Each sign complies with the regulations of this Article, including but not limited to the provisions set forth in Sections 15-30.030 and 15-30.040; and
- (2) Each sign is consistent with any approved sign program for the subject site; and
- (3) Each sign is consistent with any applicable Specific Plan and/or Design Guidelines for the subject district; and
- (4) The quantity, size, proportion, height, and spacing of signs minimizes the perception of clutter; and
- (5) Each sign is compatible with: a) other nearby signs; and b) the building and/or site upon which it is located; and c) adjacent structures and the general vicinity. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.

(f) 30 Day Review. The City shall comply with California Government Code §65920 through §65965 and Public Resources Code §21151.5, including the time limits contained therein.

Within 30 days after receipt of an application for a sign permit, the Director shall inform the applicant in writing if the application is incomplete and will list the submittals required to complete the application. If the Director does not notify the applicant within 30 days after receipt that the application is incomplete, then the application will be deemed complete.

- (g) **Application Approval.** If a proposed sign complies with the requirements of this Article, the reviewing body shall grant the requested sign permit. If a proposed sign does not comply with the requirements of this Article, the reviewing body shall either deny the requested sign permit or grant it subject to conditions that will bring the sign into conformance with this Article. Any denial or conditional grant of a sign permit shall be accompanied by written findings stating the reasons for the denial or conditional permit.
- (h) **Appeal.** A decision or determination made under this Article may be appealed in accordance with the procedure set forth in Article 15-90 of this Chapter.
- (i) **Sign Permit Revocation.** The City shall reserve continuing jurisdiction over a sign permit and may revoke the same upon any failure by the permittee to comply with any condition set forth therein.

15-30.160 - Sign Program

- (a) **Purpose.** The purpose of a Sign Program is to achieve a consistent theme and visual harmony among all permanent signs erected on a single lot. In order to achieve this purpose, a Sign Program may include exceptions to the requirements contained in this Article limiting the number and size of individual permanent signs erected and maintained on any one lot, as well as their design features (including but not limited to illumination, color, material, letter size, height etc.), upon making the findings in subsection 15-30.160(c).
- (b) **Eligibility.** Any property owner may apply for a Sign Program. All advertising signs on lots with five (5) or more uses shall be regulated under a Sign Program. If such a property does not have a Sign Program, the property owner shall receive approval for a Sign Program prior to installation of any new permanent advertising signs or the alteration of any existing permanent advertising signs.
- (c) **Sign Program Application Review.**
 - (1) The Planning Commission shall review and approve or deny, pursuant to this Article and the findings in Subsection 15-30.160(e), all Sign Program applications.
 - (2) A public hearing is required for all new Sign Programs, pursuant to Subsection 15-30.150(d).
 - (3) The Planning Commission shall comply with California Government Code § 65920 through § 65965 and Public Resources Code § 21151.5, including the time limits contained therein, in reviewing Sign Program applications. Within 30 days after receipt of an application for a Sign Program, the Director shall inform the applicant in writing if the application is incomplete and will list the submittals required to complete the application. If the Director does not notify the applicant within 30 days after receipt that the application is incomplete, then the application will be deemed complete.
- (d) **Sign Program Application Requirements.** An application for a Sign Program shall include all of the following information:
 - (1) All of the information required under subsection 15-30.150(a) of this Article.

- (2) **Theme.** A graphical representation of the visual theme of the Sign Program including how individual signs will relate to one another through common elements such as size, shape, material, color, location, illumination, letter style, or letter size.
- (3) **Sign Area Distribution.** Describe how the total sign area allowed under the proposed Sign Program will be distributed, e.g., the area will be limited by the square footage of tenant space or an anchor tenant will be allowed a larger percentage of area than other tenants.
- (e) **Sign Program Findings.** The Planning Commission shall grant approval of a Sign Program if and only if all of the following findings are made:
 - (1) All signs described in the Sign Program satisfy the criteria set forth in Sections 15-30.040 of this Article; and
 - (2) The total area of all permanent signs governed by the Sign Program is not greater than the total area of all permanent signs otherwise allowed on the lot by this Article.
 - (3) The quantity, size, proportion, height, and spacing of signs minimizes the perception of clutter; and
 - (4) The signs governed by the Sign Program are compatible with: a) other nearby signs; and b) the building and/or site upon which it is located; and c) adjacent structures and the general vicinity. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
- (f) **Sign Program Approval.** If a proposed Sign Program complies with the requirements of this Article, the reviewing body shall grant the requested Sign Permit. If a proposed sign does not comply with the requirements of this Article, the reviewing body shall either deny the requested sign permit or grant it subject to conditions that will bring the sign into conformance with this Article. Any denial or conditional grant of a sign permit shall be accompanied by written findings stating the reasons for the denial or conditional permit,
- (g) **Appeal.** A decision or determination made under this Article may be appealed in accordance with the procedure set forth in Article 15-90 of this Chapter.
- (h) **Sign Program Revocation.** The City shall reserve continuing jurisdiction over a Sign Program and may revoke the same upon any failure by the permittee to comply with any condition set forth therein.
- (i) **Implementation.**
 - (1) Existing signs must be brought into compliance with an applicable Sign Program upon alteration, as defined in Section 15-30.020.
 - (2) All new signs, including replacement signs, shall comply with the Sign Program.
- (j) **Modifications.** Any modifications to a Sign Program shall require a new application.

15-30.170 – Expiration, Extension, and Renewal of Sign Permit Approval

- (a) **Expiration.** An application approved in accordance with this Article shall be deemed to have expired, when any of the following occurs:
 - (1) When a sign permitted by the approved sign permit or sign program has not been erected within three (3) years of approval, or for signs associated with other land use approvals within the maximum time limit of the land use approval. The time period, within which a project must be commenced starts on the effective date of a decision approving a project

or the end of the appeal period, whichever is longer. When there is an appeal, the effective date is the date of the final determination of the appeal.

- (2) When a building permit for the sign has expired, and the Building Official does not renew the building permit within one hundred eighty days after expiration.
- (3) When a business, that has obtained a sign permit to erect or maintain a sign at a certain location, has been closed at such location for a period of at least one (1) year.
- (b) **Extension.** The Community Development Director may extend a sign permit for a single period of twelve months if an application for extension is filed no earlier than three months prior to the expiration date and no later than one month prior to the expiration date.
- (c) **Renewal.** Any approved application which has been allowed to expire shall be subject to the filing of a new application pursuant to this Article.

15-30.180 – Sign Alteration

- (a) Except as otherwise provided in the Saratoga Municipal Code, no person shall alter a sign unless the alteration conforms to this Article.
- (b) Any sign erected or displayed pursuant to a sign permit must obtain a new sign permit for any alteration.
- (c) Replacement of the sign face shall be considered an alteration, unless such replacement results in a sign that is visually identical to the original sign.

15-30.190 – Sign Conformance, Violations and Abatement of Illegal signs

- (a) **Illegal Signs.** Any sign, including its supporting structure, other than a legal non-conforming sign, as defined in subsection 15-30.190(b), that is in violation of this Article shall be deemed to be a public nuisance and shall be made to conform or removed by the owner of the property on which it is located upon thirty (30) days written notice by the City.
- (b) **Legal Non-Conforming Signs.** A "legal nonconforming sign" is a sign that was in existence on the effective date of the ordinance adopting this Article and that does not conform to the provisions of this Article. A "legal nonconforming sign" shall not be considered an "illegal sign" or in violation of this Article unless (1) it is altered or relocated, or (2) the owner of the sign obtains any conditional use permit, design review, or other land use entitlement for the property on which the "legal nonconforming sign" is located, at which time the "legal nonconforming sign" shall be removed or made to conform. The owner of the sign shall bear the burden of demonstrating to the Director that the sign was in existence on the effective date of the ordinance adopting this Article, and the Director's determination shall be final. Notwithstanding the foregoing, all legal nonconforming signs must comply with the maintenance requirements of Subsection 15-30.040(i).
- (c) **Signs on Public Property.** Any sign located upon or affixed to any public property in violation of the provisions of this Article is subject to removal, upon giving at least three days' prior written notice of such violation and intended removal to the sign owner. If the sign owner cannot be ascertained or found after reasonable efforts to do so, the notice shall be posted upon the sign for a period of at least three days prior to the removal of the sign. Any such sign that constitutes an immediate and substantial hazard to the public health or safety may be promptly abated and removed with written notice of the removal provided to the sign owner, or without notice if the owner cannot be promptly ascertained.

- (d) **Sign Removal.** Except as provided in subsection 15-30.190(b), all signs presently existing and not in conformity with the provisions of this Article constitute a violation of this Code and shall be removed or made to conform to the provisions of this Article.
- (1) Any sign removed pursuant to this Article will be retained by the City for a period of at least ten days, during which the sign owner may retrieve the sign upon payment of all removal costs or an administrative fine established by the City Council, whichever is greater. Any person desiring to contest such payment may request a hearing before the City Manager, who shall waive the payment if he determines that the sign did not violate any provisions of this Article. The decision of the City Manager shall be final.
 - (2) Any sign not retrieved within the ten-day period shall conclusively be deemed to have been abandoned by the owner thereof and may be destroyed or otherwise disposed of by the City. The City shall have the right to recover from the owner of such sign all removal and destruction costs.
- (e) Each sign found to be in violation of any provision of this Article shall constitute a separate violation of this Code.
- (f) The enforcement of sign regulations pursuant to this Section shall be in addition to any other rights and remedies available to the City under Chapter 3 of this Code by reason of the same violation.

15-30.200 – Sign Permit Variance.

- (a) The Planning Commission shall grant a variance to any of the size, design or temporal requirements contained in this Article if and only if all of the following findings are made:
- (1) Strict compliance with the size, design, or temporal requirements would result in practical difficulty or unnecessary hardship inconsistent with the purposes of this Article, due to unique physical or topographic circumstances or conditions of design; and
 - (2) Strict compliance with the size, design, or temporal requirements would deprive the applicant of privileges enjoyed by owners of similarly zoned property.
 - (3) The extent of the variance from the requirements of this Article shall be limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstances or conditions identified pursuant to subsection (a)(1), above.
- (b) No other provision in the Municipal Code authorizing a variance or exception to the City's zoning regulations shall apply to the requirements of this Article.
- (c) Within 30 days after receipt of an application for a sign variance, the Community Development Director shall inform the applicant in writing if the application is incomplete and will list the submittals required to complete the application. If the Community Development Director does not notify the applicant within 30 days after receipt that the application is incomplete, then the application will be deemed complete.

15-30.210 – Substitution Clause

- (a) A sign displaying a protected non-commercial message of any type is allowed anywhere that commercial signs are allowed, subject to the same regulations applicable to such commercial signs. The purpose of this provision is to prevent any inadvertent favoring of commercial

speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message.

- (b) This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

15-30.220 – Severability. If any subsection, sentence, clause or phrase of this Section is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Article. It is hereby declared to be the intention of the City Council that each subsection, sentence, clause or phrase in this Article shall be severable.

Article 15-30 - SIGNS

Sections:

[15-30.010 - Purposes of Article.](#)

[15-30.020 - Definitions.](#)

[15-30.030 - Prohibited signs.](#)

[15-30.040 - General regulations.](#)

[15-30.050 - Requirement for permit; exemptions.](#)

[15-30.060 - Application for permit.](#)

[15-30.070 - Criteria for review of application.](#)

[15-30.080 - Signs in agricultural and residential districts.](#)

[15-30.090 - Signs in professional and administrative office districts.](#)

[15-30.100 - Signs in commercial districts.](#)

[15-30.110 - Repealed.](#)

[15-30.120 - Temporary subdivision signs.](#)

[15-30.130 - Temporary construction signs.](#)

[15-30.140 - Public interest signs.](#)

[15-30.150 - Open house signs in residential districts.](#)

[15-30.160 - Temporary political signs.](#)

[15-30.170 - Gasoline price signs.](#)

[15-30.180 - Special permits from City Council.](#)

[15-30.190 - Prior condition for design review.](#)

[15-30.200 - Violations; removal of illegal signs on public property.](#)

[15-30.010 - Purposes of Article.](#)

In order to preserve the natural beauty of the City, to maintain the orderliness of the community's appearance, to conserve its residential character, and to protect the public safety, the location, size, illumination and design of signs are regulated.

[15-30.020 - Definitions.](#)

In addition to the definitions set forth in Article [15-06](#), all of which are applicable herein, for the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them in this Section, unless the context or the provision clearly requires otherwise:

- (a) **Construction sign** means a temporary sign stating the names of those persons directly connected with the construction of a real estate development project, and may include their addresses and telephone numbers.
- (b) **Directional sign** means a sign, the sole purpose of which is to direct the flow of traffic, indicate entrances or exits, transmit parking information or convey similar information.
- (c) **Free standing sign** means a sign affixed to the ground and not affixed to any building.
- (d) **Gasoline price sign** means a sign on the site of a gasoline service station indicating the brand of motor vehicle fuel offered for sale thereat, the price per gallon or liter, the grade of fuel and such other information as prescribed in Section 13532 of the State Business and Professions Code. The term "gasoline price sign" shall not include any displays upon actual fuel pumps.
- (e) **Height**, as applied to a sign, means the vertical distance measured from the lowest ground level directly beneath the sign to the highest point at the top of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.

(f)**Identification sign** means a sign, the sole purpose of which is to identify the site or the building, use or persons occupying the site on which the sign is located.

(g)**Illuminated sign** means a sign having its own immediate source of internal or external lighting.

(1)**Internally illuminated** sign means a sign with an immediate source of illumination that is completely enclosed by the surface of the sign structure or the characters of the sign.

(2)**Externally illuminated** sign means a sign with an immediate source of illumination that is not completely enclosed by any portion of the sign.

(h)**Open house sign** means an off-site portable sign directing prospective purchasers to the location of a single-family dwelling being offered for sale and open for visitation by the public at the time the sign is displayed.

(i)**Political sign** means a temporary sign which directly relates to a candidate for public office or to a ballot issue, in an election conducted by a governmental entity.

(j)**Portable sign** means any sign which is intended to be moved or capable of being moved, whether or not on wheels or other special supports, including, but not limited to, "A-frame" type signs, placards and banners.

(k) **Real estate sign** means a temporary sign advertising the sale, lease or rental of the real property, or any portion thereof, upon which the sign is located and the identification of the person handling such sale, lease or rental.

(l)**Sign** means any lettering, symbol or other thing of visual appearance primarily used for, or having the effect of, attracting attention from the street, sidewalk or other outside public area for advertising or identification purposes. A sign shall not mean displays of merchandise or products for sale on the premises, or ornamentation, designs, pictures, paintings or other such art forms unless the attraction, because of location, size, use or nature thereof, has the substantial effect of attracting attention for advertising or identification purposes when viewed from an outside area.

(m)**Sign area** means the area of the smallest rectangle drawn to include all letters, designs, frame and structural components which are part of the sign, but excluding any supports, uprights, posts or structures by which any sign is supported unless such supports, uprights, posts or structures are designed in such a manner as to form an integral background of the sign. In computing the area of a double face sign, only one face of the sign shall be included, provided that the two faces shall be approximately the same size and approximately parallel to each other and not more than two feet apart at any point.

(n)**Sign program** means a general plan for signage, as approved by the City, pertaining to all or any portion of a site and the buildings thereon, which may include, but is not limited to, the area, dimension, color, material, design, size and illumination of all signs to be erected or installed pursuant to the sign program.

(o)**Special event sign** means a temporary sign pertaining to events of civic, community, philanthropic, educational or religious organizations, which are not conducted in connection with the operation of a commercial enterprise.

(p)**Subdivision sign** means a temporary sign advertising a subdivision and providing travel directions to single-family dwellings therein offered for sale or lease for the first time. The term "subdivision sign" also includes a model home sign on the site of a single-family dwelling within the subdivision.

(Amended by Ord. 245 § 2 (Att. A) (part), 2006)

15-30.030 - Prohibited signs.

The following signs are prohibited:

(a) Reflective, flashing or moving signs, except for public service time and temperature signs which shall not be flashing, animated or revolving in nature.

(b) Portable signs, except for open house signs, political signs and special event signs which comply with the regulations of this Article.

(c) Streamers, banners, balloons, flares, flags, pennants, twirlers and similar attention-getting devices, with the exception of the following:

(1) One national, state and local governmental flag properly displayed upon a single flagpole.

(2) Holiday decorations, in season.

(3) Grand opening and special event displays which comply with the regulations of this Article.

(d) Any sign affixed to any vehicle or trailer, unless the vehicle or trailer is intended to be used in its normal business capacity and not for the primary purpose of advertising a use or event or attracting persons to a place of business.

(e) Signs or sign structures which by color, wording or location resemble or conflict with traffic control signs or devices.

(f) Signs that create a safety hazard by obstructing the clear view or safe movement of vehicular or pedestrian traffic.

(g) Signs that obstruct any door, window, fire escape or other emergency exit of any building.

(h) Posters, placards, announcements, advertising and similar signs that are erected on any fence, pole, tree, pavement, wall, bus stop, bench, or any other object in or upon a public highway, public street or public right-of-way, excepting notices posted by a public officer in the performance of a public duty, or by any person for the purpose of giving legal notice, and warning or informational signs required or authorized by governmental regulations, or signs approved in connection with special event sign permits issued pursuant to Section 15-30.180, or temporary use permits issued pursuant to Article 15-60

(Amended by Ord. 71-152 § 1, 1995; Ord. 71-152.1 §§ 1, 3, 1997; Ord. 245 § 2 (Att. A) (part), 2006)

15-30.040 - General regulations.

(a)**Compliance with Article.** No sign shall be erected, installed, altered or maintained in any zoning district in the City, including public and private streets therein, except in conformity with the provisions of this Article.

(b)**Compliance with district regulations.** All signs shall comply with the particular regulations of the district in which they are located.

(c)**Site restriction.** All signs shall be located on the same site as the use they identify or advertise, except temporary subdivision signs as described in Section [15-30.120](#), public interest signs as described in Section [15-30.140](#), open house signs as described in Section [15-30.150](#), and temporary political signs as described in Section [15-30.160](#)

(d)**Sign projection.** No sign shall extend above the ridge line of a building, nor project more than thirty inches from the outside wall of a building, nor more than twelve inches over any street or alley.

(e)**Illuminated signs.** No sign shall be illuminated so that the primary source of light is visible from off the property or in such way as to cause annoying glare. The source or sources of external lighting intended to illuminate any sign shall not exceed a total of two hundred watts. The permit for an illuminated sign may be issued subject to conditions, including, but not limited to, the number, location and intensity of all light sources and the time during which the sign may be illuminated. The City shall reserve continuing jurisdiction over such permit and may revoke the same upon any failure by the permittee to comply with any condition set forth therein.

(f)**Size of letters.** Unless otherwise prescribed in this Article, no sign shall have letters greater in size than eighteen inches in any dimension, except that in the M district, letters of sixty inches may be permitted.

(g)**Construction standards.** All signs shall be constructed in such manner as to protect the public safety. Construction standards shall be as set forth in the latest edition of the Uniform Building Code as adopted by the City.

(h)**Free standing signs.** Except as otherwise expressly provided in this Article, all signs shall be affixed to the building or structure, the use of which is being advertised or identified, and shall not be free standing. Where free standing signs are allowed and except as otherwise provided in this Article, such free standing signs shall not exceed ten feet in height.

(i)**Multiple uses on same site.** Where more than one use is lawfully being conducted upon the same site, the total signage for each separate use shall not exceed the sign area for such use as prescribed in this Article. No sign area may be increased by reason of there being no signage or reduced signage for another use upon the same site.

(j)**Reduction of sign area.** The regulations concerning sign area, as set forth in this Article, represent the maximum size which may be permitted in the absence of a variance but do not confer upon any person the right to erect, install or maintain a sign or signs having such maximum area. As a condition for the granting of any sign permit hereunder, the approving authority may require that the size of the sign be reduced below the maximum sign area set forth herein, based upon a finding that such reduction is necessary to satisfy the criteria set forth in Section [15-30.070](#) of this Article.

15-30.050 - Requirement for permit; exemptions.

(a) No person shall place, erect, install, or maintain any sign in the City without first obtaining a sign permit pursuant to this Article, unless such sign is exempted under the provisions of subsection (b) of this Section.

(b) Except in the case of illuminated signs or any signs that are subject to approval by the City under the terms of any sign program or as a condition of any building site approval, use permit, variance, design review or other approval granted by the City, the following signs shall be exempted from the requirement of a permit hereunder:

- (1) One identification sign, not exceeding ten square feet in area, which is not free standing.
- (2) Not more than two directional signs upon a single site, each sign not exceeding three square feet in area and five feet in height. Such signs may be free standing.
- (3) One national, state and local governmental flag properly displayed upon a single flag pole.
- (4) Holiday decorations, in season.
- (5) Open house signs which comply with the requirements of Section [15-30.150](#)
- (6) Political signs which comply with the requirements of Section [15-30.160](#)
- (7) One real estate sign, not exceeding six square feet in area if located in an A, R-1, HR, R-OS or R-M district, and not exceeding twelve square feet in area if located in a P-A or C district. The sign may be free standing, but in such event shall not exceed four feet in height.
- (8) One bulletin board, not exceeding twenty square feet in area and not more than ten feet in height, on the site of a school or religious institution, provided the content of the sign relates to an activity conducted at, or sponsored by, the school or religious institution.
- (9) Official traffic, fire and police related signs, temporary traffic control signs used during construction, utility location and identification signs and markers required to protect such facilities, and any signs required by the City or any other public authority to be erected, installed or maintained.
- (10) Notices required to be posted by law.

(Amended by Ord. 71.98 § 5, 1991; Ord. 71.113 § 4, 1992)

15-30.060 - Application for permit.

(a) Application for a sign permit hereunder shall be made to the Community Development Director on such form as he may prescribe. If the site on which the sign will be displayed is already subject to a sign program approved by the City, if the sign is a temporary real estate, construction, subdivision, special event or grand opening sign or a directional sign, or (except in the case of illuminated signs) if the sign is for an individual business or activity, the application may be acted upon by the Director; otherwise, the application shall be acted upon by the Planning Commission. Notwithstanding the preceding sentence, the Director may refer any application for a sign permit to the Planning Commission for a decision thereon.

(b) The application shall contain the following information:

(1) The location and size of any existing or proposed buildings and structures on the site.

(2) The location of off-street parking and loading spaces, including major points of entry and exit for motor vehicles, where directional signs are proposed.

(3) The location of the proposed sign and its relationship to existing or proposed adjacent buildings and structures on the site.

(4) A scale drawing showing the size, height, dimensions and content of the proposed sign or sign structure and also indicating the colors and materials thereof.

(5) The location and size of all other existing signs on the site.

(6) If the sign is to be illuminated, the method, source and intensity of illumination.

(7) Such other information as the Community Development Director or the Planning Commission may require in order to determine whether the proposed sign will comply with the regulations and standards contained in this Article.

(Amended by Ord. 71-180 § 1, 1998)

15-30.070 - Criteria for review of application.

The following criteria shall be applied in reviewing applications for sign permits hereunder:

(a) That the sign complies with the regulations of this Article and the regulations of the district in which it will be located;

(b) That the size, shape, color, illumination, placement and material of the sign is compatible with the building it identifies and with the visual characteristics of the neighborhood and other lawful signs in the area;

(c) That the location and design of the sign does not obscure from view or unduly detract from existing adjacent signs;

(d) That the location and design of a sign in close proximity to any residential district will not adversely affect the quality or character of such residential area.

15-30.080 - Signs in agricultural and residential districts.

No sign of any character shall be permitted in an A, R-1, HR, R-OS or R-M district, except the following:

- (a) An identification sign, not exceeding twenty-four square feet in area, on the site of a public building or grounds, a community facility, an institutional facility or a religious institution. Such signs may be free standing.
 - (b) A bulletin board, not exceeding twenty square feet in area and ten feet in height, on the site of a school or religious institution, provided the content of the bulletin board relates to an activity conducted at, or sponsored by, the school or religious institution. Such bulletin board may be free standing.
 - (c) An identification sign, not exceeding sixteen square feet in area, on the site of a multi-family dwelling. Such sign may be free standing.
 - (d) A name plate, not exceeding one square foot in area, pertaining to a home occupation.
 - (e) A nonilluminated real estate sign, not exceeding six square feet in area. The sign may be free standing, but in such event shall not exceed four feet in height.
 - (f) A permanent sign, not exceeding twenty-four square feet in area, identifying a subdivision, located adjoining each entrance to a subdivision.
 - (g) Temporary subdivision signs, subject to the regulations prescribed in Section [15-30.120](#)
 - (h) Temporary construction signs, subject to the regulations prescribed in Section [15-30.130](#)
 - (i) Public interest signs, subject to the regulations prescribed in Section [15-30.140](#)
 - (j) Open house signs, subject to the regulations prescribed in Section [15-30.150](#)
 - (k) Temporary political signs, subject to the regulations prescribed in Section [15-30.160](#)
 - (l) Gasoline price signs, subject to the regulations prescribed in Section [15-30.170](#)
 - (m) An identification sign, not exceeding ten square feet in area, on the site of a day care facility.
- (Amended by Ord. 71.98 § 6, 1991; Ord. 71.113 § 5, 1992)

15-30.090 - Signs in professional and administrative office districts.

No sign of any character shall be permitted in a P-A district, except the following:

- (a) An identification sign, not exceeding two square feet in area, for each use upon the site of a professional, administrative or medical office building.
 - (b) Directional signs, each not exceeding three square feet in area and five feet in height. Such signs may be free standing. If more than two directional signs are proposed, the number and location of such signs shall be subject to approval by the Planning Director.
 - (c) An identification sign, not exceeding twenty-four square feet in area, on the site of a public building or grounds, a community facility, an institutional facility, or a religious institution. Such sign may be free standing.
 - (d) Where multiple office buildings are located upon a single site which is three acres or greater in size, either or both of the following signs may be allowed in addition to all other signs permitted under this Section:
 - (1) A free standing site identification sign, not exceeding thirty square feet in area and four feet in height.
 - (2) An identification sign for each office building on the site, indicating the location of a building and/or identifying the occupants thereof, each sign not exceeding six square feet in area. The signs may be free standing, but in such event shall not exceed five feet in height. The Planning Commission shall have authority to grant exceptions to the regulations contained in this subsection with respect to the number, size and height of identification signs, through the granting of a use permit pursuant to Article [15-55](#) of this Chapter.
 - (e) A nonilluminated real estate sign, not exceeding twenty-four square feet in area. The sign may be free standing, but in such event shall not exceed eight feet in height, as measured from the top of the curblines, or the pavement surface where no curb exists, of the nearest street adjacent to the sign.
 - (f) Temporary construction signs, subject to the regulations prescribed in Section [15-30.130](#)
 - (g) Public interest signs, subject to the regulations prescribed in Section [15-30.140](#)
 - (h) Temporary political signs, subject to the regulations prescribed in Section [15-30.160](#)
 - (i) Gasoline price signs, subject to the regulations prescribed in Section [15-30.170](#)
- (Amended by Ord. 245 § 2 (Att. A) (part), 2006)

15-30.100 - Signs in commercial districts.

No sign of any character shall be permitted in a C district, except the following:

- (a) Identification signs which comply with any one of the following standards:
 - (1) One-half square foot of area for each foot of width of the front elevation of the building and side elevation on the street side of a corner lot; or
 - (2) One-fourth square foot of area for each foot of street frontage of the site; or
 - (3) One-half square foot of area for each foot of store frontage. The term "store frontage," as used herein, means that side, or those sides of the building where the main entrance to each business establishment conducted therein is located. For the purposes of computing sign area hereunder, no single business establishment may have a main entrance on more than one side of the same building. In no event shall the aggregate area of all identification signs upon a site exceed forty square feet for each use upon such site.
 - (b) Directional signs, each not exceeding three square feet in area and five feet in height. Such signs may be free standing. If more than two directional signs are proposed, the number and location of such signs shall be subject to approval by the Planning Director.
 - (c) A free standing identification sign for a site containing five or more separate uses, not exceeding forty square feet in area. Such sign may be in addition to all other signs permitted under this Section.
 - (d) A bulletin board, not exceeding twenty square feet in area and ten feet in height, on the site of a religious institution, provided the content of the bulletin board relates to an activity conducted at, or sponsored by, the religious institution. Such bulletin boards may be free standing.
 - (e) An identification sign, not exceeding sixteen square feet in area, on the site of a multi-family dwelling, motel or hotel. Such sign may be free standing. Signage for the uses referred to herein shall be regulated by this subsection and not subsection (a) of this Section.
 - (f) A nonilluminated real estate sign, not exceeding twenty-four square feet in area. The sign may be free standing, but in such event shall not exceed four feet in height.
 - (g) Temporary construction signs, subject to the regulations prescribed in Section [15-30.130](#)
 - (h) Public interest signs, subject to the regulations prescribed in Section [15-30.140](#)
 - (i) Temporary political signs, subject to the regulations prescribed in Section [15-30.160](#)
 - (j) Gasoline price signs, subject to the regulations prescribed in Section [15-30.170](#)
 - (k) Special event signs, not exceeding ten square feet in area, may be permitted, provided such signs are posted for not more than thirty days prior to the event and are removed within two days after such event.
 - (l) Temporary grand opening signs or banners, not exceeding twenty square feet in area, may be permitted to announce the commencement of a new business establishment. Such signs shall not be displayed more than thirty days.
- (Amended by Ord. 71.153 § 1, 1995)

15-30.110 - Repealed.

(Ordinance 71.59, adopted March 15, 1989.)

[15-30.120 - Temporary subdivision signs.](#)

In an A, R-1, HR, R-OS or R-M district, temporary free standing subdivision signs shall be permitted, provided they conform with the following regulations:

- (a) **On-tract signs.** One sign, not exceeding twenty-four square feet in area, advertising a subdivision, may be erected or displayed adjoining each street on which the subdivision abuts and adjoining each entrance to the subdivision.
- (b) **Model home signs.** A sign, not exceeding six square feet in area, advertising a model home, may be erected or displayed on the site of each model home in a subdivision.
- (c) **Off-tract directional signs.** Not more than two directional signs, each not exceeding eighteen inches by thirty inches in size, may be erected or displayed adjoining the intersections of streets leading to a subdivision.
- (d) **Issuance, duration and renewal of sign permit.** A sign permit for temporary subdivision signs may be issued at any time after recordation of the final subdivision map, and shall be for a term not exceeding one year. The signs shall then be removed unless, prior to the expiration of one year, renewal of the permit for a period of not more than one additional year shall be approved by the Planning Director.

(Amended by Ord. 71.98 § 7, 1991; Ord. 71.113 § 6, 1992)

[15-30.130 - Temporary construction signs.](#)

A temporary construction sign may be permitted in any district so long as it conforms with the following regulations:

- (a) The sign shall be located on the same site as the construction project. A freestanding sign may be permitted.
- (b) No more than one sign having an area not exceeding fifteen square feet may be erected or displayed on the site, and where the development consists of a residential subdivision where a temporary on-tract subdivision sign would be permitted, then no temporary construction sign shall be permitted.
- (c) The sign permit may be issued at any time on or after issuance of the building permit for the building or structure in question. The sign permit shall expire six months following the date on which such permit was issued or upon the sooner completion of construction. The sign shall be removed on expiration of the permit unless prior to expiration the sign permit is renewed on approval of the Planning Director, which renewal shall in no event be for a period in excess of an additional six months. The sign permit shall not thereafter be further renewed.

[15-30.140 - Public interest signs.](#)

- (a) Both on-site and off-site directional and identification signs shall be permitted in any zoning district to advertise, identify or direct persons to public and quasi-public areas, centers and institutions, and such other areas, whether natural or artificial, which, in the opinion of the Planning Commission, are points of general public interest.
- (b) This Section shall apply to multiple signs on a single structure advertising service clubs and the chamber of commerce, but the same shall be limited to one such sign structure adjacent to an arterial street at each entrance to the City, and the total area of the sign structure shall not exceed fifty square feet.

15-30.150 - Open house signs in residential districts.

(a) Nonilluminated open house signs are permitted in any zoning district, subject to the following restrictions:

(1) There shall be no more than one open house sign oriented in the same direction at any intersection.

(2) The open house sign shall not exceed one square foot of area and four feet in height, and shall be fixed to a single pole of wood or metal material, or shall be an "A" frame, freestanding sign.

(3) No open house signs shall be located in medians.

(4) No open house sign shall be placed upon any public property; provided, however, where the public right-of-way extends into a parkway strip or the planted area adjacent to the curb, between the street or curb and adjacent private property, an open house sign may be placed within such parkway strip upon obtaining permission from the owner of the adjacent private property. To the extent authorized by this subsection, open house signs are an exception to the prohibition set forth in Sections 15-30.030(h).

(5) No open house sign shall include balloons, ribbons, streamers, or other appurtenances.

(6) No open house sign shall be placed upon any private property without first obtaining permission from the owner of such property.

(7) An identification shall be printed upon or affixed to every open house sign indicating the name, real estate company affiliation, address and telephone number of the sign owner.

(8) Each real estate company shall apply and receive approval for an annual encroachment permit from the City Engineer. The encroachment permit shall be valid for one year and shall be renewed annually. The encroachment permit shall be valid only for employees, independents or affiliate members of the real estate company.

(9) The open house sign shall be removed each day after the closing of the open house for that day, and no later than 6:00 P.M., November 1st through March 31st; and 8:00 P.M., April 1st through October 31st.

(b) If any open house sign is found to violate any of the restrictions contained in this Section, then notwithstanding the provisions of Section 15-30.200, such sign may be summarily removed by the Maintenance Director or his representative, or any Community Service Office, or any other City employee authorized by the City Manager to remove such sign. The sign owner shall be responsible for payment of a fine in the amount of fifty dollars for each sign so removed. In cases where a duly authorized representative of the City has direct contact with the violator of these provisions, this person shall be responsible for the payment of the aforementioned fines. A written notice of the removal shall be given to the sign owner stating that the sign may be reclaimed within ten days and will be returned to the owner upon payment of the fine specified herein, except that no such notice shall be required if the owner is not identified on the sign. In the event the sign is not reclaimed within the time allowed to do so, the sign may be destroyed or otherwise disposed of by the Maintenance Director. Unclaimed signs may be sold to real estate companies, their employees, independents, or affiliates, at a price determined by the Planning Director.

(Amended by Ord. 71.95 § 1, 1991; Ord. 71-152 § 2, 1995)

15-30.160 - Temporary political signs.

(a) **Sign restrictions.** A temporary political sign may be erected only in accordance with the following restrictions:

(1) No temporary political sign may be illuminated in any manner other than by previously existing lighting sources normally used for illumination of the area where the sign is erected.

(2) No temporary political sign may be affixed to any pole or wire appurtenance thereof on which is affixed any traffic sign, traffic signal, street sign, parking sign or other traffic control device installed by any public agency for public information purposes, nor may any temporary political sign be erected in a manner or place that will obstruct normal visibility of such traffic signs, traffic signals, street signs, parking signs or other traffic control devices.

(3) No temporary political sign may be erected upon or affixed to any sidewalk, crosswalk, police or fire alarm system, hydrant, or any public building or other public structure.

(4) No temporary political sign may be erected within or upon the right-of-way of any public highway or public street.

(5) No temporary political sign may exceed an area of five square feet.

(6) No temporary political sign may be erected having bracing or backing material thicker than one-half inch, except for support posts firmly planted in the ground.

(b) **Removal.** A temporary political sign shall be completely removed not later than five days after the date of the election to which it relates.

(c) Any person intending to install temporary political signs or any person on whose behalf such signs are to be installed, shall, at least two business days prior to such installation, file a declaration of such intent with the City Clerk. Such declaration shall contain an agreement to remove such signs within the applicable time limitation of subsection (b) of this Section and an agreement to pay any cost incurred by the City as a result of the declarant's failure to remove such signs. Upon failure of the declarant to remove such signs within such time, City shall immediately remove such signs and collect the cost of such removal from the declarant pursuant to such agreement.

(d) Any person installing temporary political signs without having filed a declaration of such intent, or any person on whose behalf such signs are installed, shall remove such signs or file a declaration within thirty-six hours upon receipt of notice to remove from the City Clerk. Upon failure of such person to remove such signs, or in the event that the City Clerk is unable to determine the identity of the person who installed such signs or the identity of the person on whose behalf such signs were installed, the City Clerk shall immediately have such signs removed, and if the identity of the person who installed such signs or the identity of the person on whose behalf such signs were installed can be determined, collect the cost of such removal from such person.

(e) Any cost incurred by the City in the removal of temporary political signs pursuant to this Section is declared to be a debt of the person installing such signs and a debt of the person on whose behalf such signs were installed to the City of Saratoga.

(Amended by Ord. 71-117 § 1, 1992; Ord. 71-121 § 1, 1993; Ord. 71-152 § 3, 1995; Ord. 245 § 2 (Att. A) (part), 2006)

15-30.170 - Gasoline price signs.

A single gasoline price sign, as required under Section 13531(a) of the State Business and Professions Code, shall be permitted on the site of a gasoline service station. Such sign may be free standing, if necessary to comply with the requirements of Section 13531(a) concerning visibility from the street adjacent to the site. The gasoline price sign shall comply with the following requirements:

- (a) The sign shall advertise not more than the three major grades of motor vehicle fuel offered for sale.
- (b) The numerals designating the price of motor fuel shall not exceed six inches in height. Fractions shall be considered one numeral. All other letters, figures or numerals on the sign shall not exceed two inches in height, unless otherwise approved by the Planning Commission.
- (c) The area of the sign shall not exceed ten square feet unless the applicant demonstrates, to the satisfaction of the Planning Commission, that a greater size is needed to contain all of the numerals, words and figures required to be shown on the sign under the applicable provisions of Section 13532 of the State Business and Professions Code.
- (d) The area of the sign shall be included in the sign area otherwise permitted for the site under the terms of this Article to the extent that such area exceeds the size restriction set forth in subsection (c) of this Section.

15-30.180 - Special permits from City Council.

Nothing contained in this Article shall prohibit the City Council from granting a temporary special permit or otherwise permitting, on such terms as it deems proper, signs, banners or other advertising pertaining to any civic, patriotic or special event of general public interest.

15-30.190 - Prior condition for design review.

Any condition or requirement for design review of any sign, as may be contained in any building site approval, use permit, variance, design review or other approval granted by City shall be construed as requiring a sign permit issued pursuant to this Article.

15-30.200 - Violations; removal of illegal signs on public property.

- (a) Each sign found to be in violation of any provision of this Article shall constitute a separate violation of this Code.
- (b) The Maintenance Director or his representative may remove any sign located upon or affixed to any public property in violation of the provisions of this Article, upon giving at least three days' prior written notice of such violation and intended removal to the sign owner. If the sign owner cannot be ascertained or found after reasonable effort to do so, the notice shall be posted upon the sign for a period of at least three days prior to the removal of the sign.
- (c) Notwithstanding subsection (b) of this Section or any other provision of this Code, the Maintenance Director or his representative may summarily abate and remove any sign located upon or affixed to any public property which constitutes an immediate and substantial hazard to the public health or safety. The Maintenance Director shall promptly thereafter give written notice of the removal to the sign owner, if such owner can be ascertained or found, stating the location of the sign and the procedure for retrieval thereof by the sign owner.
- (d) Any sign removed by the Maintenance Director pursuant to subsection (b) or (c) of this Section shall be retained by him for a period of at least ten days, during which the sign owner may retrieve the sign upon payment of all removal costs or an administrative fine in the amount of ten dollars, whichever is greater. Any person desiring to contest such payment may request a hearing before the City Manager, who is authorized to waive the payment if he determines that the sign did not violate any provisions of this Article. The decision of the City Manager shall be final.
- (e) Any sign not retrieved within the ten-day period specified in subsection (d) of this Section shall conclusively be deemed to have been abandoned by the owner thereof and may be destroyed or otherwise disposed of by the Maintenance Director. The City shall have the right to recover from the owner of such sign all removal and destruction costs.
- (f) The enforcement of sign regulations pursuant to this Section shall be in addition to any other rights and remedies available to the City under Chapter 3 of this Code by reason of the same violation.

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
<p>SIGN CONTENT AND OVERALL APPROACH</p>	<p>Many of the current sign regulations are specific to the type of content on the sign (e.g., directional or identification signs). However, in order to comply with the 1st Amendment of the U.S. Constitution, the ordinance should be content neutral.</p>	<p>The primary goal of the new Ordinance is to eliminate direct references to content.</p> <p>The draft changes include the creation of sign districts to address the aesthetic characteristics of commercial and professional-office districts in different areas of the city.</p> <p>The draft changes generally maintain or increase the allowable amount of signage.</p>
<p>PURPOSES</p>	<p>The current purposes section of the sign ordinance lacks some language that could be more helpful for clarifying the intent of the sign code.</p> <p>The current ordinance states: “In order to preserve the natural beauty of the City, to maintain the orderliness of the community's appearance, to conserve its residential character, and to protect the public safety, the location, size, illumination and design of signs are regulated.”</p>	<p>This section has been amended to help clarify the intent of the sign ordinance.</p> <p>The draft changes indicate the purposes are to:</p> <ul style="list-style-type: none"> (a) The purposes of the regulations in this Article are to: (b) Ensure high-quality designed signs are compatible with adjacent land uses and preserve the residential character of the City; (c) Prevent substandard sign generation and sign clutter which is counterproductive to business and visually unattractive to the community; (d) Direct persons to various activities and enterprises in the City; (e) Protect the public safety and reduce traffic and safety hazards through proper location and design of signs; and (f) Provide a reasonable and constitutional system of sign control including the quantity, type, placement, size, illumination and design of signs.
<p>DEFINITIONS</p>	<p>There are several definitions in the current ordinance that are content based in nature.</p> <p>There is a lack of definitions that would help staff and the public interpret the sign code.</p>	<p>The following words/sign types were deleted:</p> <ul style="list-style-type: none"> Construction Sign Directional Sign Gasoline Price Sign Height Identification Sign Open House Sign Political Sign

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
		<p>Portable Sign Real Estate Sign Special Event Sign Subdivision Sign</p> <p>The following words were added for clarity:</p> <p>Active Construction Actively Marketed Advertising Display A-Frame Sign Alteration Building Sign Business City Director Double Faced Sign Electronic Sign Hand-Held Sign Mobile Billboard Advertising Display Multi-Family Dwelling Non-Commercial Sign or Message Off-site Sign On-site Sign Permanent Sign Projecting Sign Sign District Sign Program Street Frontage Temporary Sign Tenant Frontage Traffic Control Signs or Devices Wall Sign Window Sign</p> <p>Several other words in the current ordinance were amended for clarity in the draft ordinance</p>
<p>GENERAL PROVISIONS</p>	<p>The general provisions section of the current ordinance includes specific provisions that</p>	<p>This section has been restructured so that specific regulations regarding sign design (e.g., letter size, illumination, sign projection, and free-standing signs) are now under a new section entitled ‘Design Criteria’</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
	<p>would be better defined in their own section.</p> <p>There is no provision regarding driver line-of-site with regard to signs near the street.</p> <p>Sign maintenance and sign legibility is not regulated in the current sign ordinance.</p>	<p>The subsections regarding compliance with article and compliance with district regulations have been combined.</p> <p>Language regarding sign height in street and driveway intersections was added to ensure driver safety.</p> <p>The subsection regarding ‘site restriction’ has been amended to differentiate advertising signs from non-commercial signs without direct reference to content.</p> <p>The subsection regarding ‘reduction of sign area’ has been amended. The words area, height, type, and number have been added to this subsection for clarity.</p> <p>The subsection regarding multiple uses has been clarified.</p> <p>A requirement for legibility of signs was added.</p> <p>A subsection regarding sign maintenance was added and requires signs to be maintained free of peeling paint, etc.</p>
DESIGN CRITERIA	<p>The design criteria for various types of signs are obscured within the General Regulations section of the current ordinance and would be easier to find in their own section.</p>	<p>This new section is more concise regarding specific regulations pertaining to sign design (e.g., letter size and sign projection).</p> <p>The reference to 60 inch tall letters for signs in the ‘M’ (industrial) district (which no longer exists) has been deleted.</p> <p>The definition for sign height was moved to this section and deleted from the definitions section.</p> <p>The definition for sign area was amended for clarity.</p> <p>A subsection regarding sign materials was added.</p> <p>The subsection regarding illuminated signs was amended.</p> <p>Design criteria for monument signs and pole signs were added.</p> <p>The subsection regarding sign projection was amended</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
<p>PROHIBITED SIGNS</p>	<p>The current ordinance includes words/sign types that are that are content based in character. There is also some redundancy in the prohibited section of the code.</p>	<p>Some words/sections were deleted to reduce redundancy and some words/sign types were deleted to eliminate references to content.</p> <p>The prohibition of reflective, flashing or moving signs has been made more explicit.</p> <p>Added language regarding the prohibition of balloons, etc. for commercial advertisement signs</p> <p>Added language prohibiting ‘obscene’ signs</p>
<p>SIGNS ALLOWED IN ANY ZONING DISTRICT WITHOUT A SIGN PERMIT</p>	<p>The current ordinance includes words/sign types that are: content based in character; or exempt by definition; or need more discretion; or required by law and do not need to be explicitly made exempt</p> <p>The current ordinance does not currently exempt signs that are required by the City.</p> <p>The current ordinance does not reference window signs.</p> <p>The current ordinance lacks an exemption for signs that are typically used for free speech.</p>	<p>“Identification, Directional, Open House, Political, and Real Estate” signs have been incorporated into other sign types that are content neutral thereby allowing for more types of signs such as garage sales, election signs, etc.</p> <p>‘Holiday Decorations’ are understood to be exempt under the definition of ‘sign’</p> <p>The posting of required legal notices is required by law, so the reference to notices has been deleted.</p> <p>The reference to gasoline price signs has been eliminated since these signs are regulated by the State Business and Professions Code.</p> <p>The word ‘governmental’ with regard to flags was deleted due to its content nature.</p> <p>The following types of signs were made exempt from a sign permit to conform to case law regarding free speech:</p> <ul style="list-style-type: none"> - Hand-Held Signs - Temporary Non-commercial signs (e.g., election signs) - Window Signs (up to 25% of window) <p>Temporary special event signs would be allowed without a sign permit subject to certain criteria and an approved ‘Special Event’ permit per City Code Article 10-10.</p> <p>Added the following language for ‘non-commercial’ temporary signs: “Balloons, ribbons, streamers, or other</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
		<p>attention-getting devices may not be displayed for more than 24 hours at a time, nor more than six 24-hour periods in any one year.”</p> <p>Construction signs were made exempt since these signs are required by the Community Development Department.</p> <p>Banners on Light Poles erected by a governmental entity were also made exempt.</p> <p>Governmental traffic control signs and devices up to 2SF in area in 4 feet in height are exempt.</p>
<p>VILLAGE SIGN DISTRICT</p>	<p>Current sign regulations are standard for all commercial zoning districts and do not account for specific aesthetic goals in the Village.</p> <p>The current ordinance does not allow free-standing signs for individual businesses, although several individual businesses throughout the Village have free-standing signs.</p> <p>The sign provision for hotels and motels is currently 16 square feet.</p>	<p>This new section addresses signs in the Village.</p> <p>In the Village, there are no professional-administrative zoned properties.</p> <p>Building signs continue to be limited to 1/2 SF of area for each linear foot of tenant frontage, or 40 SF, whichever is less. However, an additional 6 SF in area is allocated for projecting signs in the Village. The maximum size of a projecting sign would be 10 SF.</p> <p>Additionally, buildings with more than one entrance may have one additional sign each not exceeding 2 SF in area, over each additional entrance to the building.</p> <p>In the Village a 10 foot tall free standing pole sign, up to 9 SF in area, would be allowed on lots with fewer than five uses. A 6.5 foot tall monument sign would be allowed on lots with five or more uses and the sign area could be 14 SF plus 1 SF for each additional use over 5 uses.</p> <p>One electronic sign (e.g., neon or L.E.D.), not exceeding 2 SF in area would be allowed subject to certain criteria.</p> <p>The sign provision for hotels and motels would be the same as for commercial uses.</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
<p>PROSPECT SIGN DISTRICT</p> <p>QUITO SIGN DISTRICT</p> <p>SARATOGA-SUNNYVALE SIGN DISTRICT</p>	<p>Current sign regulations do not account for the speed of traffic, adjacent uses, or the aesthetic goals of these areas.</p> <p>Building signs are currently regulated differently for commercial zoned lots (based on building frontage) versus professional-administrative lots (2SF max).</p> <p>The current ordinance does not allow free-standing signs for individual businesses, although several individual businesses throughout Saratoga have free-standing signs.</p>	<p>These new sections have been created for commercial and professional-administrative zoned lots in three distinct areas of the city as shown on the “Sign District Map.”</p> <p>The standards for each of the three districts are essentially the same with exception to height.</p> <p>Building signs on both commercial zoned lots and professional-administrative zoned lots would have the same standards; being one-half square foot of area for each linear foot of tenant frontage, or forty (40) square feet, whichever is less.</p> <p>Additionally, buildings with more than one entrance may have one additional sign each not exceeding 2 SF in area, over each additional entrance to the building.</p> <p>One permanent free standing sign would be allowed and the area of the sign would depend on the number of businesses: 1-2 Businesses = 15 SF (pole sign only) 3-4 Businesses = 25 SF (pole sign only) 5+ Businesses = 40 SF (monument sign only)</p> <p>The height of a monument sign shall not exceed 10 feet in height.</p> <p>The height of a pole sign shall not exceed 17 feet in height in the Prospect Sign District; 10 feet in height in the Quito Sign District; and 12 feet in height in the Saratoga-Sunnyvale Sign District.</p> <p>One electronic sign (e.g., neon or L.E.D.), not exceeding 2 SF in area would be allowed subject to certain criteria.</p>
<p>TEMPORARY ON-SITE SIGNS ON LOTS IN ANY SIGN DISTRICT</p>	<p>The current ordinance includes several references to content based types of signs, such as grand openings and special events.</p>	<p>One 10 SF temporary banner OR one 4 SF, 3’ high temporary free-standing sign would be allowed in any sign district, subject to certain criteria.</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
<p>SIGNS ON LOTS WITH INSTITUTIONAL, PUBLIC, OR QUASI-PUBLIC USES</p>	<p>The current ordinance allows 24 SF of signage for public building or grounds, community facilities, institutional facilities, and religious institutions.</p> <p>Churches, schools, and other community facilities have traditionally used a lot of signage due to their large congregations or events throughout the year.</p> <p>The current ordinance also allows one 20 SF bulletin board on the site of a church.</p>	<p>A new section has been created for “institutional, public, and quasi-public” uses (e.g., churches, library).</p> <p>The proposed ordinance addresses the special needs of these types of uses by allowing:</p> <ul style="list-style-type: none"> - Building signs: 40 SF in area with no individual sign exceeding 10 SF in area - Free-standing signs: 40 SF aggregate area and 15 feet aggregate height - Temporary signs: 40 SF or 1/8 SF of area for each linear foot of street frontage, whichever is greater, but no more than 80 SF in total. Up to two temporary on-site signs may be displayed on a single permanent free-standing structure up to 6 feet in height on each street frontage. <p>Non-illuminated signs which are not visible from any adjacent property, public right-of-way, or public parking lot (e.g., bulletin boards) are not defined as a ‘sign’.</p>
<p>SIGNS ON LOTS WITH MULTI-FAMILY DWELLINGS OR RESIDENTIAL SUBDIVISIONS</p>	<p>Multi-family dwellings and residential subdivisions are currently regulated under the residential section of the sign ordinance.</p>	<p>This new section provides standards for multi-family dwellings and subdivisions throughout the City.</p> <p>The sign provision for multi-family dwellings has been increased from 16 square feet to 24 square feet.</p> <p>The provision for a permanent sign for subdivisions has remained at 24 square feet but may now be illuminated with Planning Commission approval.</p> <p>An explicit provision for temporary subdivision signs has been deleted since these types of signs are allowed under the provisions for actively marketed sites.</p>
<p>WALL SIGNS ON LOTS ZONED RESIDENTIAL AND AGRICULTURAL</p>	<p>The current code allows a 1SF “name plate”, on the site of a home occupation, but a 10 SF “identification” sign on the site of a day care</p>	<p>The draft sign ordinance would exempt one 2 SF wall sign on a building in residential and agricultural districts. This sign could be used for gas stations, day care facilities, home occupations, or any other type of sign without regard to content.</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
	<p>facility. This discrepancy favors one “speaker” over another speaker.</p>	
<p>TEMPORARY ON-SITE SIGN ON LOTS WITH RESIDENTIAL PROPERTIES ACTIVELY MARKETED FOR SALE OR LEASE</p>	<p>The residential section of the current ordinance includes sign standards for on-site real estate ‘for sale’ signs.</p>	<p>This new section allows one 4 SF sign up to 6 feet in height on lots with residential properties actively marketed for sale or lease without a permit. The proposed dimensions reflect feedback from the Realtors Association.</p>
<p>TEMPORARY OFF-SITE SIGNS IN RESIDENTIAL DISTRICTS</p>	<p>The residential section of the current ordinance includes sign standards for off-site real estate ‘open house’ signs.</p>	<p>This new section allows off-site signs in residential districts without reference to content.</p> <p>If used as an ‘open house’ sign, the proposed dimensions reflect feedback from the Realtors Association.</p>
<p>SIGN PERMITS</p>	<p>The type of review required for various types of signs is obscured within the application requirements section.</p> <p>The current application requirements are not consistent with the City’s submittal checklist for sign applications.</p> <p>Parts of the criteria for review of an application were redundant.</p>	<p>This new section is more concise regarding the types of applications requiring Administrative review and Planning Commission review:</p> <ul style="list-style-type: none"> - The Community Development Department will review any sign that is located on a property that is consistent with an approved sign program and any non-illuminated building sign that does not require a sign program. - The Planning Commission will review all illuminated signs that are not already subject to a Sign Program, free-standing signs that are not already subject to a Sign Program, and signs on lots with five (5) or more uses that are not already subject to a Sign Program. - A public hearing will only be required for sign programs and freestanding signs over 6 feet in height; otherwise the Planning Commission will review applicable sign permit applications under ‘New Business’. <p>The application requirements were made more explicit in an effort to help applicants submit a complete proposal.</p> <p>The word ‘criteria’ has been replaced with the word</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
		<p>‘findings’ and the ‘findings’ for approval have been amended.</p> <p>A disclaimer regarding ‘content’ was added.</p> <p>A reference to the state requirement regarding timely review of applications was included in this section.</p> <p>Added language regarding approval, denial, and revocation of a sign permit.</p>
SIGN PROGRAMS	The current ordinance references sign programs but does not provide any specifics.	A new section for Sign Programs was added to achieve a consistent sign theme and visual harmony and allow site specific standards for special circumstances such as a shopping center with multiple tenants and buildings where multiple signs are needed. The Sign Program section includes findings for approval and standards for implementation and modifications.
EXPIRATION, EXTENSION, AND RENEWAL OF SIGN PERMIT APPROVAL	The code does not currently specify when a sign permit expires if it is not acted upon.	A new section regarding Expiration, Extension, and Renewal of Sign Permit Approval has been added.
SIGN ALTERATION	There is no explicit reference regarding alteration, enlargement, or relocation of non-conforming signs and existing signs that were previously subject to a permit.	This new section explicitly prohibits alterations to non-conforming signs and signs that were previously subject to a permit, unless otherwise approved by permit.
SIGN CONFORMANCE, VIOLATIONS AND ABATEMENT OF ILLEGAL SIGNS	<p>The current sign ordinance does not address illegal signs on private property or legal non-conforming signs.</p> <p>This section makes reference to the</p>	<p>This new section refers to illegal signs, non-conforming signs, and signs on public property. It also describes the sign removal process that is defined in the current sign ordinance.</p> <p>Illegal Signs installed in violation of the new sign ordinance shall be removed or made to conform within 30 days written notice by the City.</p>

SUMMARY OF CHANGES:

The following is a summary of the most significant changes proposed in the Zoning Ordinance Amendment for Article 15-30 - Signs.

Topic	Current Issues	Proposed Changes
	<p>‘Maintenance Director’ however Community Development Department staff is the person most likely to enforce the sign ordinance.</p>	<p>“Legal non-conforming signs” shall be removed or made to conform only if the sign is altered or relocated or if the owner of the sign obtains any conditional use permit, design review, or other land use entitlement for the property on which the legal nonconforming sign is located.</p> <p>The word ‘Maintenance Director’ has been deleted or replaced as appropriate.</p>
<p>SIGN PERMIT VARIANCE</p>	<p>A reference to sign variances is obscured within the current sign code.</p>	<p>This new section makes it explicit that sign permit variances may be granted subject to certain findings.</p>
<p>SUBSTITUTION CLAUSE</p>		<p>A new section regarding substitution of non-commercial messages/signs where commercial messages/signs are allowed was necessary to avoid any perceived favoring of commercial speech over non-commercial speech.</p>
<p>SEVERABILITY</p>	<p>The sign ordinance did not previously have an explicit subsection regarding severability.</p>	<p>This new subsection regarding severability was added.</p>



CITY OF SARATOGA DRAFT SIGN ORDINANCE

Summary of Changes for: *Institutional & Quasi-Public Uses*

The Saratoga Planning Commission will be holding a public hearing on proposed changes to the City Sign Ordinance at 7:00 PM on March 14, 2012 in the Council Chambers/Civic Theater, 13777 Fruitvale Avenue. The information below summarizes the changes proposed for institutional and quasi-public uses. The Draft Sign Ordinance contains more detailed information and can viewed at the Community Development Department or the City’s website www.saratoga.ca.us/cityhall/cd/sign/default.asp. Comments on the proposed changes are welcome and can be provided to Cynthia McCormick cmccormick@saratoga.ca.us or (408) 868-1230.

	Sign Area	Number of Signs	Temporary Signs Allowed
Current Standards	24 sf. total area	1 sign (building or freestanding)	No
Proposed Standards¹	40 sf. for building sign area 40 sf. for freestanding sign area 40 sf. for temporary sign area or 1/8 sf. area for each linear foot of street frontage, whichever is greater, but no more than 80 sf.	See notes below	Yes

¹ Excludes signs not visible from public rights-of-way (e.g. streets and parking lots) and adjacent residential properties.

Building Signs - Any number of permanent building signs would be allowed provided the total area of all building signs does not exceed 40 square feet and no individual sign is greater than 10 square feet in area.

Freestanding Signs – One freestanding sign per driveway or two signs per street frontage, whichever is greater. Signs will be limited to 10 feet in height with an aggregate height limit of 15 feet in height for all freestanding signs.

Temporary On-Site Signs - Any number of temporary signs would be allowed provided the total area of temporary signs does exceed the maximum sign area stated above. Banners on buildings can be displayed for up to 30 consecutive days. Up to two temporary signs may be displayed up to 180 days in a permanent free-standing dark colored wood or metal frame that is 6 feet or less in height. One structure may be located on each street frontage. If the property has more than one street frontage, the maximum signage area on each frontage shall be proportional to the lineal feet of such street frontage.



CITY OF SARATOGA DRAFT SIGN ORDINANCE

Summary of Changes for the: *Prospect Sign District*

The Saratoga Planning Commission will be holding a public hearing on proposed changes to the City Sign Ordinance at 7:00 PM on March 14, 2012 in the Council Chambers/Civic Theater, 13777 Fruitvale Avenue. The information below summarizes the changes proposed for commercial and office uses. The Draft Sign Ordinance contains more detailed information and can be viewed at the Community Development Department or the City's website www.saratoga.ca.us/cityhall/cd/sign/default.asp. Comments on the proposed changes are welcome and can be provided to Cynthia McCormick cmccormick@saratoga.ca.us or (408) 868-1230.

Sign Type	Current Standards	Proposed Standards
Building Signs	½ sf. of sign area for each linear foot of building frontage (maximum of 40 sf. per business) 18 inch maximum letter size	½ sf. of sign area for each linear foot of building frontage (maximum of 40 sf. per business) 2 sf. additional sign area over second entrance 18 inch maximum letter size
Freestanding Signs		
1-3 Uses	Not applicable	Up to 15 sf. in area and 17 ft. high
3-4 Uses	Not applicable	Up to 25 sf. in area and 17 ft. high
5+ Uses	One 40 sf. sign up to 10 ft. high	Up to 40 sf. in area and 17 ft. high
Temporary Banners¹	Grand opening banner ¹ up to 20 sf. Special event banner ² up to 10 sf. Displayed up to 30 days	One 10 sf. banner displayed on the building up to 30 consecutive days and 180 days per year.
A-Frame Type Signs³	Not permitted	- One sign up to 4 sf. in area and 3 ft. high, located within 10 ft. from the entrance and a min. of 10 ft. from another sign - Displayed up to 30 consecutive days and 180 days per year
Electronic Signs	Not permitted	2 sf. in area, up to two colors, counts as window signage

¹ Only to announce the commencement of a new business establishment

² Subject to certain criteria

³ Only one temporary banner or A-frame type sign may be displayed at any one time



CITY OF SARATOGA DRAFT SIGN ORDINANCE

Summary of Changes for the: *Quito Sign District*

The Saratoga Planning Commission will be holding a public hearing on proposed changes to the City Sign Ordinance at 7:00 PM on March 14, 2012 in the Council Chambers/Civic Theater, 13777 Fruitvale Avenue. The information below summarizes the changes proposed for commercial and office uses. The Draft Sign Ordinance contains more detailed information and can be viewed at the Community Development Department or the City's website www.saratoga.ca.us/cityhall/cd/sign/default.asp. Comments on the proposed changes are welcome and can be provided to Cynthia McCormick cmccormick@saratoga.ca.us or (408) 868-1230.

Sign Type	Current Standards Commercial Districts	Current Standards Office Districts	Proposed Standards Office & Commercial
Building Signs	½ sf. of sign area for each linear foot of building frontage (maximum of 40 sf. per business) 18 inch maximum letter size	One 2 sf. sign for each use	½ sf. of sign area for each linear foot of building frontage (max 40 sf. per business), 2 sf. additional sign area over second entrance, 18 inch maximum letter size
Freestanding Signs			
1-3 Uses	Not applicable	Not applicable	Up to 15 sf. in area and 10 ft. high
3-4 Uses	Not applicable	Not applicable	Up to 25 sf. in area and 10 ft. high
5+ Uses	One 40 sf. sign up to 10 ft. high	Not applicable	Up to 40 sf. in area and 10 ft. high
3+ acres	Not applicable	One 36 sf. sign up to 4 ft. high 6 sf. building ID signs up to 5 ft. high	Not applicable
Temporary Banners¹	Grand opening banner ¹ up to 20 sf. Special event banner ² up to 10 sf. Both displayed up to 30 days	Not permitted	One 10 sf. banner displayed on the building up to 30 consecutive days and 180 days per year.
A-Frame Type Signs³	Not permitted	Not permitted	- One sign up to 4 sf. in area and 3 ft. high, located within 10 ft. from the entrance and a min. of 10 ft. from another sign - Displayed up to 30 consecutive days and 180 days per year
Electronic Signs	Not permitted	Not permitted	2 sf. in area, up to two colors, counts as window signage

¹ Only to announce the commencement of a new business establishment

² Subject to certain criteria

³ Only one temporary banner or A-frame type sign may be displayed at any one time



CITY OF SARATOGA DRAFT SIGN ORDINANCE

Summary of Changes for the: *Saratoga-Sunnyvale Sign District*

The Saratoga Planning Commission will be holding a public hearing on proposed changes to the City Sign Ordinance at 7:00 PM on March 14, 2012 in the Council Chambers/Civic Theater, 13777 Fruitvale Avenue. The information below summarizes the changes proposed for commercial and office uses. The Draft Sign Ordinance contains more detailed information and can be viewed at the Community Development Department or the City's website www.saratoga.ca.us/cityhall/cd/sign/default.asp. Comments on the proposed changes are welcome and can be provided to Cynthia McCormick cmccormick@saratoga.ca.us or (408) 868-1230.

Sign Type	Current Standards Commercial Districts	Current Standards Office Districts	Proposed Standards Office & Commercial
Building Signs	½ sf. of sign area for each linear foot of building frontage (max 40 sf. per business) 18 inch maximum letter size	One 2 sf. sign for each use	½ sf. of sign area for each linear foot of building frontage (max 40 sf. per business), 2 sf. additional sign area over second entrance 18 inch maximum letter size
Freestanding Signs			
1-3 Uses	Not applicable	Not applicable	Up to 15 sf. in area and 12 ft. high
3-4 Uses	Not applicable	Not applicable	Up to 25 sf. in area and 12 ft. high
5+ Uses	One 40 sf. sign up to 10 ft. high	Not applicable	Up to 40 sf. in area and 12 ft. high
3+ acres	Not applicable	One 36 sf. sign up to 4 ft. high 6 sf. building ID signs up to 5 ft. high	Not applicable
Temporary Banners¹	Grand opening banner ¹ up to 20 sf. Special event banner ² up to 10 sf. Both displayed up to 30 days	Not permitted	One 10 sf. banner displayed on the building up to 30 consecutive days and 180 days per year.
A-Frame Type Signs³	Not permitted	Not permitted	- One sign up to 4 sf. in area and 3 ft. high, located within 10 ft. from the entrance and a min. of 10 ft. from another sign - Displayed up to 30 consecutive days and 180 days per year
Electronic Signs	Not permitted	Not permitted	2 sf. in area, up to two colors, counts as window signage

¹ Only to announce the commencement of a new business establishment

² Subject to certain criteria

³ Only one temporary banner or A-frame type sign may be displayed at any one time



CITY OF SARATOGA DRAFT SIGN ORDINANCE

Summary of Changes for the: *Village Sign District*

The Saratoga Planning Commission will be holding a public hearing on proposed changes to the City Sign Ordinance at 7:00 PM on March 14, 2012 in the Council Chambers/Civic Theater, 13777 Fruitvale Avenue. The information below summarizes the changes proposed for commercial and office uses. The Draft Sign Ordinance contains more detailed information and can be viewed at the Community Development Department or the City's website www.saratoga.ca.us/cityhall/cd/sign/default.asp. Comments on the proposed changes are welcome and can be provided to Cynthia McCormick cmccormick@saratoga.ca.us or (408) 868-1230.

Sign Type	Current Standards	Proposed Standards
Building Signs	½ sf. of sign area for each linear foot of building frontage (maximum of 40 sf. per business) 18 inch maximum letter size	½ sf. of sign area for each linear foot of building frontage (maximum of 40 sf. per business) 2 sf. additional sign area over second entrance 6 sf. additional sign area for projecting sign¹ 18 inch maximum letter size
Freestanding Signs		
1-4 Uses	Not applicable	Up to 9 sf. in area and 10 ft. high
5+ Uses	One 40 sf. sign up to 10 ft. high	Up to 14 sf. in area and 6.5 ft. high
Temporary Banners¹	Grand opening banner ² up to 20 sf. Special event banner ³ up to 10 sf. Displayed up to 30 days	One 10 sf. banner displayed on the building up to 30 consecutive days and 180 days per year.
A-Frame Type Signs⁴	Not permitted	- One sign up to 4 sf. in area and 3 ft. high, located within 10 ft. from the entrance and a min. of 10 ft. from another sign - Displayed up to 30 consecutive days and 180 days per year
Electronic Signs	Not permitted	2 sf. in area, up to two colors, counts as window signage

¹ Projecting signs cannot exceed 10 sf. in area

² Only to announce the commencement of a new business establishment

³ Subject to certain criteria

⁴ Only one temporary banner or A-frame type sign may be displayed at any one time

Proposed Sign Districts

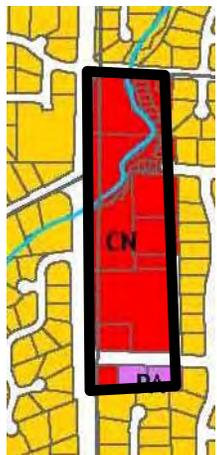
Saratoga-Sunnyvale Sign District



Park Saratoga: CV

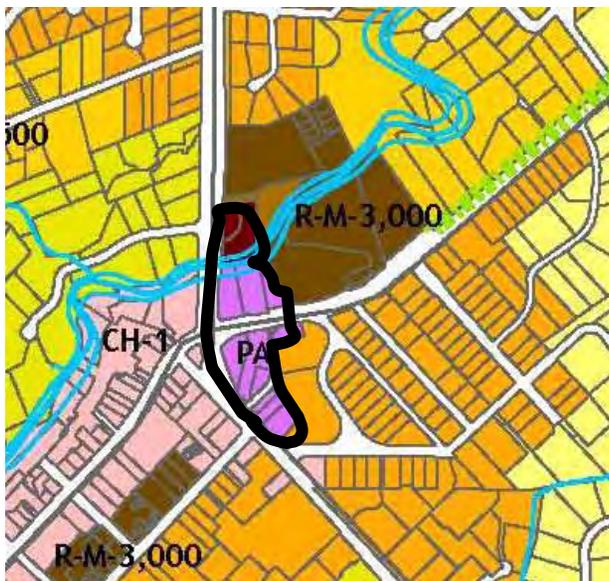
Saratoga Square: CV

Azule: CN

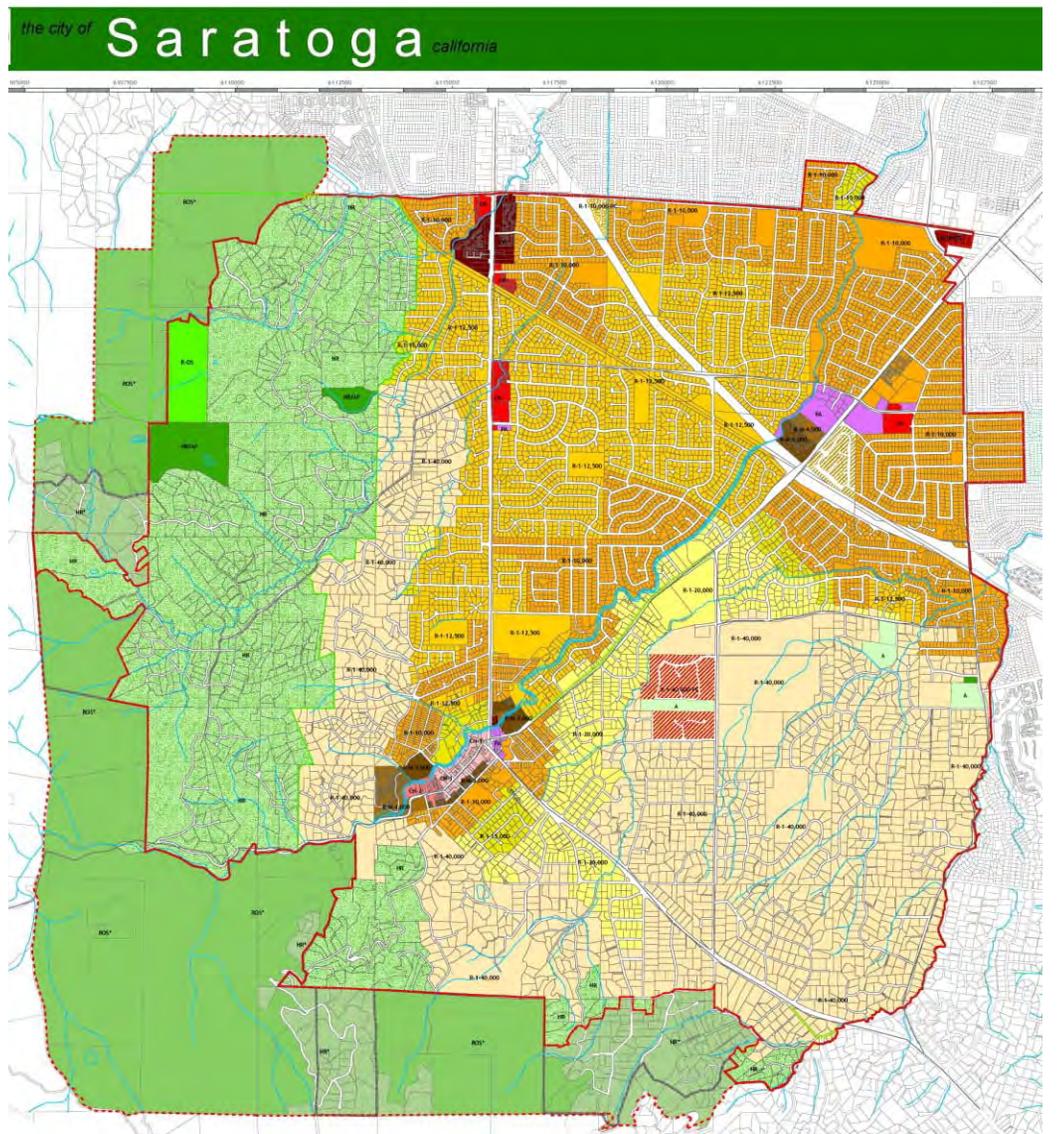


Saratoga Oaks: CN

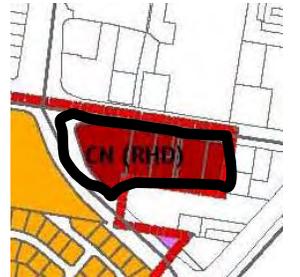
Argonaut: CN



Intersection of Saratoga Avenue and Highway 9



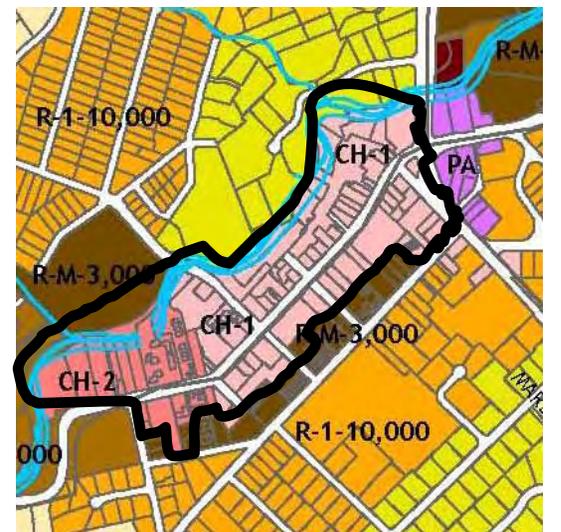
Prospect Sign District



Quito Sign District

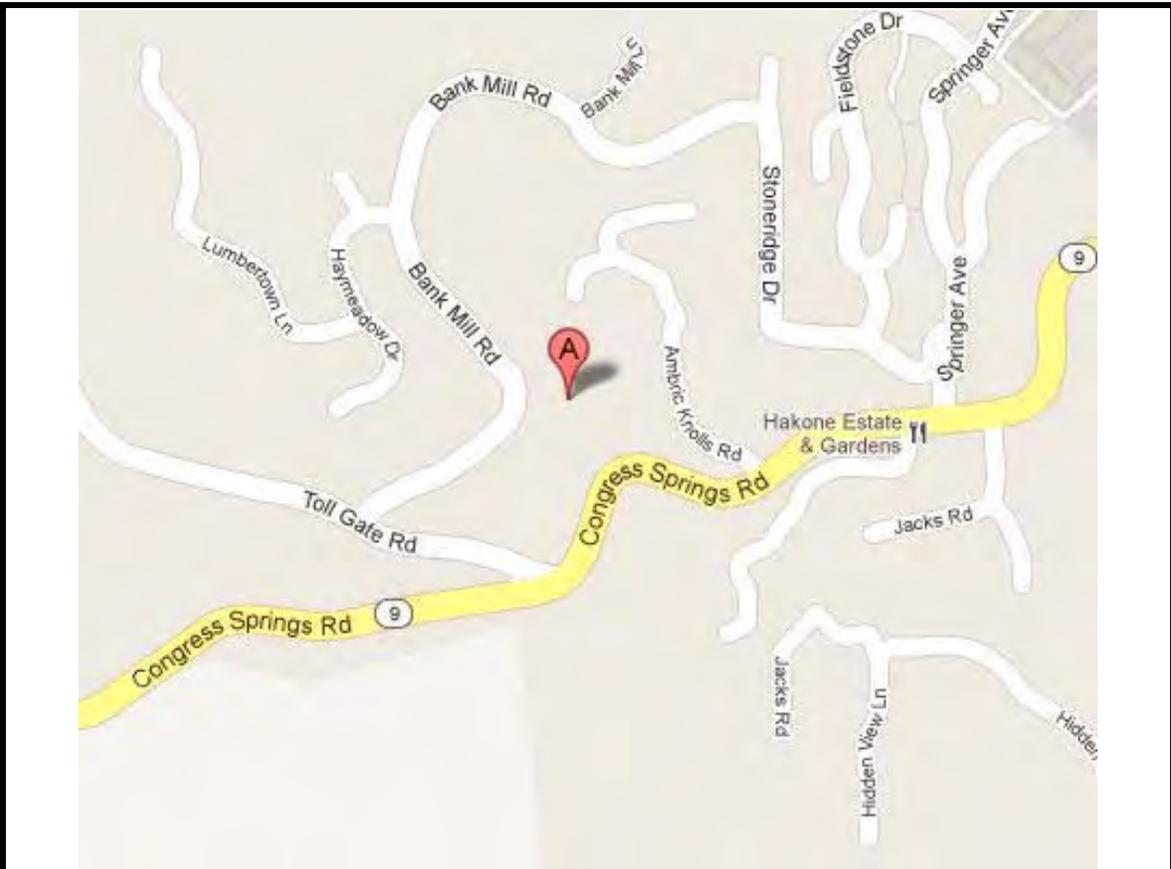


Village Sign District



REPORT TO THE PLANNING COMMISSION

Meeting Date:	March 14, 2012
Application:	Design Review PDR08-0029 & Variance VAR08-0001 for a new two-story home.
Location / APN:	21216 Bank Mill Rd. / 503-55-005
Owner / Applicant:	Sharma / Nielsen Architects
Staff Planner:	Michael Fossati



21216 Bank Mill Rd.

SUMMARY

ZONING

R1-40,000 (Single-Family Residential)

GENERAL PLAN DESIGNATION

RVLD (Very Low Density Residential)

PARCEL SIZE

1.13 acres (net)

AVERAGE SITE SLOPE

68%

GRADING REQUIRED

850 c.y. of cut / 10 c.y. of fill
(+/- 1,000 c.y. of cut for basement)

PROJECT DESCRIPTION:

The applicant is requesting Design Review approval to construct a new two-story, single-family residence with a basement. The total floor area (excluding the 1,413 sq. ft. basement) would be 4,178 sq. ft. The applicant is also requesting a variance to locate the building on a slope that exceeds forty percent and to construct retaining walls in the front setback that exceed three feet.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 12-008 approving the project subject to conditions of approval.

PROJECT DATA

R1-40,000 Zoning District Net Site Area: 49,233 sq. ft.	Proposed		Allowed	
Site Coverage			Maximum Coverage allowed is 17,228 sq. ft.	
Building	2,784 sq. ft.			
Driveway	2,036 sq. ft.			
Decks/Walkways	450 sq. ft.			
Total	5,310 sq. ft. (11%)			
Floor Area			Maximum Floor Area is 4,440 sq. ft.	
Basement (included)	732 sq. ft.			
1 st Floor	2,498 sq. ft.			
2 nd Floor	212 sq. ft.			
Garage	736 sq. ft.			
FA above 15'	94 sq. ft.			
Total	4,178 sq. ft.			
Basement (not included)	1,413 sq. ft.			
Setbacks	1st Floor	2nd Floor	1st Floor	2nd Floor
Front	35'	35'	30'	30'

Left Side	30'7"	30'7"	20'	25'
Right Side	109'3"	97'7"	20'	25'
Rear	50'	71'7"	50'	60'
Height			Maximum Building Height is 671 (26')	
Lowest Elevation	630'			
Highest Elevation	660'			
Average Grade	645'			
Proposed Building Height	670' (25')			

PROJECT DETAILS

This project is subject to Design Review and Variance requirements pursuant to City Code Section 15-45.060(a)(1) and 15-12.061(a).

Site Description

The 1.45 acre project site is undeveloped with an average slope of 68%. All portions of the lot exceed forty percent as shown on slope diagram sheet 1.5 of the project plans. Due to such steep slopes, limited development is proposed for the eastern areas. With the exception of a portion of the driveway, the eastern side cannot be developed due to the topography. The remaining area of proposed development is along the northwest side of the lot. The proposed residence includes two levels and basement, lawn area, deck and associated retaining walls. The levels of the residence would step down the northern slope, with the basement level being built substantially within the hillside. The highest point of the residence would still be below the existing grade of Bank Mill Road, which should limit the impact of bulk from the public right-of-way.

Architectural Style

The architectural style is a modern single family home. The upper level consists of a 736 sq. ft. garage, foyer and stairway. The middle level includes 2,404 sq. ft. of living space. The lower level includes 2,145 sq. ft. of additional living quarters. Only 732 sq. ft. of floor area on the lower level is included in the total floor area, as the remaining floor area is considered basement and is therefore excluded from the floor area limits. The upper level and mid level plans include north facing viewing decks.

The earth tone exteriors include a greenish-brown stucco, a red cedar horizontal siding, and an El Dorado stone veneer siding. The proposed roof is dark brown and flat, with deep eaves that project outwards from the main body of the residence. The proposed aluminum windows and doors are proposed to be painted dark brown with a clear anodized finish. The upper balcony would be surrounded by a stucco short wall while the lower level balcony would utilize a black metal railing.

Detail	Colors and Materials	Mfg. & Specification
Windows	Dark Brown – Aluminum	Anderson Windows or Equivalent
Garage Door	Beige panel – Aluminum	TBD

Stone Veneer	Gray-Brown, Stone “Autunm Leaf”	El Dorado Stone or Equivalent
Building Ext.	Green-Brown – Stucco	LaHabra Stucco Finish or Equivalent
Building Ext.	Red Cedar – Horizontal Siding	T&G Siding or Equivalent

Variance

Per City Code Section 15-12.061(a), a variance is required to construct a building on a slope that exceeds forty percent. The building footprint is proposed for the flattest area on the lot within the building envelope and located outside of a geologic hazard zone. Without the variance and due to the geological and topographical constraints of the site, the applicant would not be able to build a home on the lot. Per City Code Section 15-29.010(l), no retaining wall located in a front or exterior side setback area shall exceed three feet in height. Due to the topography along the front property line of the site, and the City parking requirement of two spaces within a garage and the minimum width requirement of 12 feet for the driveway, approximately 80 linear feet of retaining walls above three feet are proposed. It should be noted that the majority of retaining walls within the front setback are within City specifications (under three feet in height) and will not be easily viewed from the public right-of-way, as the project will be built lower than natural grade from Bank Mill Road.

Geotechnical Clearance

Geotechnical clearance was granted by the City Geologist on December 13, 2011. Along with the standard conditions for a typical Geotechnical clearance, the City Geologist has required that clarification of intended shoring measures and/or staged retaining wall construction be reviewed prior to issuance of a building or grading permit. The Project Geotechnical Consultant shall also evaluate the site development plans and recommend prudent grading control measures for the project. The consultant would be required to summarize proposed methods of achieving slope stability of temporary construction excavations.

Trees

The applicant has requested removal of eight trees on the property. Those trees have been approved for removal, based on findings made by the City Arborist. Several of these trees (eight coast live oaks) have significant decay and meet more than five of the required criterion for removal. The total appraised value of the trees requested for removal is \$26,550.

The applicant has submitted a landscape plan that includes the planting of 31 new trees. Those tree species include coast live oaks, Pacific wax myrtle, western redbud, strawberry trees, and one valley oak. The appraised value of the proposed tree plantings is \$14,750. The remaining \$11,800 will be used to plant additional screening trees for the down slope neighboring property, or donated into the City’s tree fund. The applicant has been in discussion with the neighboring property owner to discuss best species and placement of additional tree landscaping.

Energy Efficiency

The applicant submitted a Build-it-Green GreenPoint rated checklist for the proposed project at 21216 Bank Mill Road. The project (as shown) has scored 115 points. The energy efficient features proposed include durable and non-combustible siding and roofing material, insulation with 75% recycled content, high-efficiency water fixtures, energy building performance that exceeds Title 24 requirements, low VOC paints and coatings, and high-efficiency lighting.

Neighbor Correspondence

The applicant had first submitted this project in 2008. During that time, the applicant submitted neighbor notification forms from two neighboring property owners. One of those property owners (21244 Bank Mill Road) sent a letter to the Planning Department regarding their concerns. The applicant reviewed the letter (and Staff comments) and completely redesigned the project.

The applicant has offered to show the new proposed plans to owners of neighboring properties (including the property owner of 21244 Bank Mill Road). All the packets were personally hand delivered by the project applicant on Friday, November 18, 2011 between the times of 3pm to 5pm. A follow up letter was sent on December 5, 2011 requesting the home owners acknowledge that the packet was received and they contact us with any questions or concerns. One neighbor (James Maggard at 14665 Ambric Knolls) had contacted the applicant. The neighbor's concerns have to do with privacy impacts into the rear yard and the installation of a storm water and sanitary sewer lift station. As previously stated, the applicant is working with the neighbor to create a proper privacy landscape plan. As for the drainage comments, the applicant informed the neighbor that lift stations will not be required as the proposed drainage plan will divert runoff to the side of our lot away from your property

Staff sent a "Notice of Public Hearing" to all property owners within 500 feet of the subject property. The public hearing notice and description of the project was published in the Saratoga News. Staff has not received any additional comments regarding the project.

DESIGN REVIEW FINDINGS

The findings required for issuance of a Design Review Approval pursuant to City Code Section 15-45.080 are set forth below and the Applicant has met the burden of proof to support making all of those required findings:

- (a) *The project avoids unreasonable interference with views and privacy.*** The project has been designed in a manner that minimizes interference with neighboring views and privacy by proposing the following:
 - a.** Setting the second-story portion of the structure back from the first story portion from the rear property line, where privacy impacts are greatest.
 - b.** Incorporating landscaping (which includes evergreen trees and shrubs) that will screen areas most sensitive to privacy.

- c. Proper site planning that allows a highest ridge of the second story addition to be below the existing grade of Bank Mill Road.
- d. Utilize the established, well-matured landscaping to buffer nearby residences and continue privacy screening of adjacent properties.
- e. Locate the structure on the lower portion of the hillside lot to maximize the view, but avoid conflict with privacy.

As discussed above, the finding can be made in the affirmative.

- (b) ***The project preserves the natural landscape.*** This project meets this finding in that it is designed to tuck into the natural contours of the site. The overall site will be minimally impacted by the proposed project in that the design utilizes a limited amount of impervious coverage. With the exception of the structure, driveway, outdoor stairway, wall fountain and pond, the 63,173 sq. ft. site will remain in its rural form, which includes approximately 25,000 sq. ft. of existing vegetation and landscape along the southeastern boundary line. This finding can be made in the affirmative.
- (c) ***The project preserves native and heritage trees.*** The project meets this finding in that the amount of native trees being removed has been reduced to the absolute minimum. All the proposed trees being removed were in either fair to poor health. In turn, the applicant is proposing additional trees to be added to the site, with over 14 of those trees being the native species. This finding can be made in the affirmative.
- (d) ***The project minimizes the perception of excessive bulk.*** The project meets this finding in that the house is designed to present a one-story structure from the public right of way. The site planning and incorporation of the basement allows the applicant to enjoy floor area similar to neighboring properties while reducing the bulk normally accustomed to homes of similar size. The mass of the project is hidden from neighboring properties with the use of natural materials and the following of the existing hillside contours. This finding can be made in the affirmative.
- (e) ***The project is of compatible bulk and height.*** The project meets this finding in that the proposed structure is consistent with neighboring properties that are built down hillsides. The applicant has met the floor area, setback and height requirements of the City. The project has incorporated elements that allows maximum integration with the natural surroundings and built residential environment, by merging the structure in to the hillside and terracing the building floor levels. This finding can be made in the affirmative.
- (f) ***The project uses current grading and erosion control methods.*** The project meets this finding in that the proposed new construction will incorporate current grading, erosion control and stormwater pollution prevention conditions the City adheres to. This finding can be made in the affirmative.

(g) *The project follows appropriate design policies and techniques.* The project meets this finding in that it will utilize the following:

- a. The proposed project would merge the building into the hillside (Policy 1, Technique #1)
- b. Terrace building floor levels (Policy 1, Technique #2)
- c. Use natural-color materials that blend with the natural environment (Policy 2, Technique #1)
- d. Fit in with hillside topography and background (Policy 2, Technique #2)
- e. Orienting upper floor balconies towards large yard areas (Policy 3, Technique #1)
- f. Locating the structure on lower portions of the hillside lot (Policy 4, Technique #3)

As discussed above, the finding can be made in the affirmative.

VARIANCE FINDINGS

The findings required for issuance of a Variance Approval pursuant to City Code Section 15-12.061 and Section 15-70.060 are set forth below and the Applicant has met the burden of proof to support making all of those required findings:

- (a) *That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, strict enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and classified in the same zoning district:* This project meets this finding in that the 63,173 sq. ft. lot does not contain an area with a slope less than forty percent to accommodate a residence the size similar to neighboring properties, which range from 4,000 to 5,400 sq. ft. The proposed retaining walls above five feet in the front setback are required to construct a driveway that will allow automobiles and pedestrians to access the site. Without allowing an increased retaining wall height, the applicant would be unable to build the minimum 12 foot driveway required per City Code Section 16-17.160, which is a standard in the single-family residential district in which the project is located. This finding can be made in the affirmative.
- (b) *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and classified in the same zoning district:* This project meets this finding in that the topography, steep slopes, and grade breaks create a practical difficulty in building a single-family residence underneath a flat area of land, even though the property is located in an residential zoning district that principally permits single-family residential. The majority of surrounding properties required either grading exceptions or variances to build structures within the area. This finding can be made in the affirmative.

(c) *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity:* This project meets this finding in that the proposed design has been reviewed by both a Geotechnical Consultant and the City Geologist to verify slope stability during the event of construction. As conditioned, the project applicant will be required to establish prudent grading control measures including maximum height and inclination of construction excavation. The engineering and grading measures required for the construction of the project will allow the granting of the variance to not be detrimental to public health, safety or welfare, or materially injurious to properties of improvements in the vicinity. This finding can be made in the affirmative.

ENVIRONMENTAL DETERMINATION: The project is Categorically Exempt from the Environmental Quality Act (CEQA) pursuant Section 15303, “New Construction or Conversion of Small Structures”, Class 3 (a) of the Public Resources Code (CEQA). This exemption allows for the construction or conversion of up to three single-family residences.

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution No. 12-008 approving PDR08-0029 & VAR08-0001 subject to conditions of approval.

ATTACHMENTS:

1. Resolution of Approval – 21216 Bank Mill Road
2. Geotechnical Clearance Memo – Dated 12/13/2011
3. Arborist Report – Dated 1/3/2012
4. Neighbor Notification Forms – 2008/2009
5. Letter from Applicant regarding Neighbor Notification Forms
6. Affidavit of mailing notices, public hearing notice, and copy of mailing labels for project notification.
7. Reduced Plans, Exhibit "A.”

RESOLUTION NO. 12-008

**A RESOLUTION OF THE CITY OF SARATOGA PLANNING COMMISSION
APPROVING DESIGN REVIEW NO. PDR08-0029 AND VARIANCE NO. VAR08-0001
FOR A NEW TWO-STORY SINGLE FAMILY HOMELOCATED AT 21216 BANK
MILL ROAD**

WHEREAS, on October 7, 2011 an application was resubmitted by Nielsen Architects, requesting Design Review and Variance approval for a new two-story, single-family residence to be constructed on a vacant lot at 21216 Bank Mill Road within a building envelope that has a 52.5% average natural slope and five-foot retaining walls in the front setback. The total floor area of the main residence and garage would be 4,178 square feet (not including the 1,413 square foot basement). The height of the proposed residence would be approximately 25 feet. The property (APN 503-55-005) is located within the R-1-40,000 Zoning District.

WHEREAS, the Community Development Department completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project exempt.

WHEREAS, on March 14, 2012, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Saratoga hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 C.C.R. Section 15303, Class 3 “New Construction or Conversion of Small Structures”, of the Public Resources Code (CEQA). This exemption allows for the construction of up to three single-family residences and no exception to that exemption applies.

Section 3: The project is consistent with the Saratoga General Plan Policies LU 1.1 in that the City shall continue to be predominately a community of single-family detached residences and LU 1.2 to continue to review all residential development proposals to ensure consistency with Land Use Element goals and Policies.

Section 4: The project is consistent with the Saratoga City Code in that the design and improvements are consistent with the design review findings in that the project avoids unreasonable interference with views and privacy; preserves the natural landscape, native and heritage trees; minimizes the perception of excessive bulk and is of compatible bulk and height;

uses current grading and erosion control methods; and follows appropriate design policies and techniques.

Section 5: The City of Saratoga Planning Commission hereby approves PDR08-0029 & VAR08-0001, located at 21216 Bank Mill Road, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED by the City of Saratoga Planning Commission this 14th day of March 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas R. Robertson
Chair, Planning Commission

EXHIBIT 1**CONDITIONS OF APPROVAL
PDR08-0029 & VAR08-0001
21216 BANK MILL RD. (APN: 503-55-005)**

1. All conditions below which are identified as permanent or for which an alternative period of time for applicability is specified shall run with the land and apply to the landowner's successors in interest for such time period. No zoning clearance, or demolition, grading for this project shall be issued until proof is filed with the city that a certificate of approval documenting all applicable permanent or other term-specified conditions has been recorded by the applicant with the Santa Clara County Recorder's office in form and content to the Community Development Director. If a condition is not "Permanent" or does not have a term specified, it shall remain in effect until the issuance by the City of Saratoga of a Certificate of Occupancy or its equivalent.
2. The Owner and Applicant will be mailed a statement after the time the Resolution granting this approval is duly executed, containing a statement of all amounts due to the City in connection with this application, including all consultant fees (collectively "processing fees"). **THIS APPROVAL OR PERMIT SHALL EXPIRE SIXTY (60) DAYS AFTER THE DATE SAID NOTICE IS MAILED IF ALL PROCESSING FEES CONTAINED IN THE NOTICE HAVE NOT BEEN PAID IN FULL.** No Zoning Clearance or Demolition, Grading, or Building Permit may be issued until the City certifies that all processing fees have been paid in full (and, for deposit accounts, a surplus balance of \$500 is maintained).
3. The Project shall maintain compliance with all applicable regulations of the State, County, City and/or other governmental agencies having jurisdiction including, without limitation, the requirements of the Saratoga Zoning Regulations incorporated herein by this reference.
4. As a condition of this Approval, Owner and Applicant hereby agree to defend, indemnify and hold the City and its officers, officials, boards, commissions, employees, agents and volunteers harmless from and against:
 - a. any and all claims, actions or proceedings to attack, set aside, void or annul any action on the subject application, or any of the proceedings, acts or determinations taken, done or made prior to said action; and
 - b. any and all claims, demands, actions, expenses or liabilities arising from or in any manner relating to the performance of such construction, installation, alteration or grading work by the Owner and/or Applicant, their successors, or by any person acting on their behalf.

In addition, prior to any Zoning Clearance, Owner and Applicant shall execute a separate agreement containing the details of this required Agreement to Indemnify, Hold harmless and Defend, which shall be subject to prior approval as to form and content by the City Attorney.

COMMUNITY DEVELOPMENT

5. **Compliance with Plans.** The development shall be located and constructed to include those features, and only those features, as shown on the Approved Plans dated March 5, 2012 denominated Exhibit "A". All proposed changes to the Approved Plans must be submitted in writing with plans showing the changes, including a clouded set of plans highlighting the changes. Such changes shall be subject to approval in accordance with Condition 3, above.
6. **Building Division Submittal.** Four (4) sets of complete construction plans shall be submitted to the Building Division. These plans shall be subject to review and approval by the City prior to issuance of Zoning Clearance. The construction plans shall, at a minimum include the following:
 - a. Architectural drawings and other plan sheets consistent with those identified as Exhibit "A" on file with the Community Development Department and referenced in Condition No. 6 above;
 - b. A note shall be included on the site plan stating that no construction equipment or private vehicles shall be parked or stored within the root zone of any Ordinance-protected tree on the site;
 - c. The site plan shall contain a note with the following language: "Prior to foundation inspection by the City, the Licensed Land Surveyor of record shall provide a written certification that all building setbacks comply with the Approved Plans," which note shall represent a condition which must be satisfied to remain in compliance with this Design Review Approval;
 - d. This signed and dated Resolution printed onto separate construction plan pages;
 - e. City Arborist Reports dated January 3, 2012 onto separate construction plan pages;
 - f. All additional drawings, plans, maps, reports, and/or materials required by the Building Division.
7. **Lighting.** Exterior lighting shall be shielded so as not to shine on adjacent properties or public right-of-way.
8. **Maintenance of Construction Project Sites.** Because this Design Review Approval authorizes a project which requires a Building Permit, compliance with City Code Section 16-75.050 governing maintenance of construction project sites is required.
9. **Landscape Screening.** Landscape screening shall be planted (in a manner which does not require the existing shrubs screening to be removed) along the property line abutting 14665 Ambric Knolls Rd. (APN 503-55-018) in order to provide adequate privacy screening. The shrubbery shall reach 12 feet in height at full maturity and be maintained at or above 12 feet in height. **THIS CONDITION IS PERMANENT.**

PUBLIC WORKS

10. Applicant (owner) shall obtain an encroachment permit for any and all improvements in any City right-of-way or City easement including the stormwater swale prior to commencement of the work to implement this Design Review Approval.
11. The applicant shall replace approximately 30 feet long section of curb and gutter at northern (upper) property corner adjacent to Bank Mill Road with a new structurally supported curb and gutter. The applicant shall also replace about 5 feet wide portion of the roadway pavement at this location including the sub-base material and existing fill. In addition, the applicant shall replace existing drain inlet and broken section of curb and gutter at the lower property corner adjacent to Bank Mill Road with a new structurally supported drain inlet and curb and gutter
12. The applicant shall retain services of the Project Geotechnical Consultant for recommendations of these improvements. Revised grading and drainage plan showing the improvements shall be submitted to the City Geotechnical Consultant and the City Engineer for review and approval. The Project Geotechnical Consultant shall review and approve revised plans and summarize his review in a letter submitted to the City Engineer for review prior to issuance of any construction permits.
13. The project geotechnical consultant shall evaluate the referenced (or latest) site development plans and recommend prudent grading control measures for the project including maximum height and inclination of construction excavations. Alternative geotechnical measures to achieve stable construction excavations shall be addressed including potential staged retaining wall construction, top-down construction, utilization of soil nails, or other appropriate methods. Necessary geotechnical inspections of exposed earth materials and potential monitoring of construction excavations shall be addressed. Geotechnical design criteria for construction shoring shall be provided.
14. With consideration of the above completed geotechnical evaluations, the contractor shall summarize proposed methods to achieve slope stability of temporary construction excavations. Construction conformance with maximum slope heights and inclinations recommended by the Project Geotechnical Consultant shall be confirmed. Appropriate documentation to address the above two items shall be submitted to the City for evaluation by the City Engineer or Building Official prior to issuance of permits for project construction.
15. The Project Geotechnical Consultant shall review and approve geotechnical aspects of the final development plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations and retaining walls) to ensure that the plans, specifications and details accurately reflect the consultants' recommendations. The results of the plan review shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City Engineer for review and prior to issuance of permits for project construction.

16. The Project Geotechnical Engineer shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, basement excavation, and foundation construction, prior to placement of fill, steel and concrete. The geotechnical consultant shall be present to inspect the drilling of foundation piers. The consultant shall be on site during excavations to identify potential unstable conditions and make necessary recommendations to ensure that the cuts are adequately supported. The results of these inspections and the as-built conditions of the project shall be described by the Project Geotechnical Engineer in a letter(s) and submitted to the City Engineer for review and approval prior to Final (as-built) Project Approval.
17. The owner (applicant) shall pay any outstanding fees associated with the City Geotechnical Consultant's review of the project prior to Zone Clearance.
18. The owner (applicant) shall enter into agreement holding the City of Saratoga harmless from any claims or liabilities caused by or arising out of soil or slope instability, slides, slope failure or other soil related and/or erosion related conditions.

ARBORIST

19. The owner (applicant) shall agree to all conditions required per City Arborist Report, dated January 3, 2012.

CITY of SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070
(408) 868-1274

MEMORANDUM

TO: Iveta Harvancik, Senior Engineer DATE: December 13, 2011

FROM: Cotton, Shires and Associates, Inc., City Geotechnical Consultant

SUBJECT: **Supplemental Geotechnical Peer Review (S0177C)**
RE: Sharma, 07-282
21216 Bank Mill Road

At your request, we have completed a geotechnical peer review of the subject application using:

- Geotechnical Report Update (letter) prepared by Murray Engineers, dated November 29, 2011;
- Architectural Plans (8 sheets) prepared by Nielsen Architects, dated November 21, 2011; and
- Geotechnical Investigation (report) prepared by Murray Engineers Inc., dated October 2007.

In addition, we have reviewed pertinent technical documents from our office files.

DISCUSSION

The applicant proposes to construct a multi-story, single-family residence and garage in the northwestern portion of the subject property. Access to the site is to be provided by a proposed driveway off of Bank Mill Road. Portions of proposed residential structures extend below existing site grades and provided Architectural Cross Sections reveal that temporary construction cuts are in the range of 20 feet in height with a maximum cut of approximately 28 feet in height. Proposed cuts are approximately 30 lateral feet (closest approach) to the east of Bank Mill Road. Required excavation for the proposed project appears to warrant temporary shoring and/or staged wall construction.

Construction of stitch piers are planned along the first 60 feet of the outboard edge of the proposed driveway. These design measures are intended to address the relatively close proximity of a precipitous embankment located southeast of the driveway. We understand that the project will be served by a connection to the sanitary sewer system.

In our previous project geotechnical peer review (memorandum dated July 8, 2010), we recommended that clarified project grading, drainage, and development plans be prepared and submitted for City evaluation prior to project Geotechnical Clearance. In addition, we recommended that consideration be given to the incorporation of additional protective design measures to address the proximity of precipitous slopes (cliff area) to the house site.

CONCLUSIONS AND RECOMMENDED ACTION

The proposed residential development is constrained by the close proximity of precipitous slopes, a history of nearby landsliding, the potential for earthquake-induced slope failure, and anticipated strong ground

shaking in future seismic events. In addition, construction excavations could potentially reveal unstable earth materials. Clarification of intended shoring measures and/or staged retaining wall construction is warranted prior to issuance of building or grading permits. We also recommend that winter grading (October 15 through April 15) not be permitted at this site. We recommend that the following Items 1, 2, and 3 be satisfactorily addressed prior to issuance of permits for site building or grading:

1. **Temporary Construction Slope Stability** - The Project Geotechnical Consultant shall evaluate the referenced (or latest) site development plans and recommend prudent grading control measures for the project including maximum height and inclination of construction excavations. Alternative geotechnical measures to achieve stable construction excavations shall be addressed including potential staged retaining wall construction, top-down construction, utilization of soil nails, or other appropriate methods. Necessary geotechnical inspections of exposed earth materials and potential monitoring of construction excavations shall be addressed. Geotechnical design criteria for construction shoring shall be provided.
2. **Proposed Shoring or Construction Methods** - With consideration of the above completed geotechnical evaluations, the contractor shall summarize proposed methods to achieve slope stability of temporary construction excavations. Construction conformance with maximum slope heights and inclinations recommended by the Project Geotechnical Consultant shall be confirmed.

Appropriate documentation to address the above two items shall be submitted to the City for evaluation by the City Engineer or Building Official prior to issuance of permits for project construction.

3. **Geotechnical Plan Review** - The Project Geotechnical Consultant shall review and approve geotechnical aspects of the final development plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations and retaining walls) to ensure that the plans, specifications and details accurately reflect the consultants' recommendations.

The results of the plan review shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City Engineer for review and prior to issuance of permits for project construction.

4. **Geotechnical Construction Inspections** - The Project Geotechnical Engineer shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, basement excavation, and foundation construction, prior to placement of fill, steel and concrete. The geotechnical consultant shall be present to inspect the drilling of foundation piers. The consultant shall be on site during excavations to identify potential unstable conditions and make necessary recommendations to ensure that the cuts are adequately supported.

The results of these inspections and the as-built conditions of the project shall be described by the Project Geotechnical Engineer in a letter(s) and submitted to the City Engineer for review and approval prior to Final (as-built) Project Approval.

LIMITATIONS

This supplemental geotechnical peer review has been performed to provide technical advice to assist the City in its discretionary permit decisions. Our services have been limited to review of the documents previously identified, and a visual review of the property. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

TS:DTS:kd



Community Development Department
City of Saratoga
13777 Fruitvale Avenue
Saratoga, California 95070

ARBORIST REPORT

It is the responsibility of the owner, architect and contractor to be familiar with the information in this report and implement the required conditions.

Prepared by Kate Bear, City Arborist
Phone: (408) 868-1276
Email: kbear@saratoga.ca.us

Application #: **ARB08-0060**
(New owner, old application number.)
Site: **21216 Bank Mill Road**
Owner: Samir Sharma
APN: 503-55-005
Email: samir19@gmail.com

Report History: #1

Arborist report and plans received
November 22, 2011
Report completed January 3, 2012

PROJECT SCOPE

The applicant has submitted plans to the City to build a new two story house with a basement on a vacant lot.

Eight trees (#3, 4, 5, 6, 7, 8, 9 and 11) protected by City Code are requested for removal to construct the project. They meet the criteria for removal, and may be removed and replaced once Building Division permits have been issued for the project. See the Findings section below for details.

Oak tree #10 has fallen over. It appears to have decayed at the base of the trunk and has fallen down the adjacent hillside.

CLEARANCE – with conditions

This project has clearance from the arborist to proceed, with the conditions noted below in the Requirements section.

PLAN REVIEW

Plans Reviewed:

Architectural plans were prepared by Nielsen Architects and Design Studio. The architectural plans are not dated but were received by the City on November 22, 2011. Plan sheets reviewed for this report include Sheet 1.0, Title Sheet; Sheet 1.1, Site Plan; Sheet 2.1, Upper Level Plan; Sheet 2.2, Mid Level Plan; Sheet 2.3, Lower Level Plan; Sheets 3.1 – 3.4, Building Elevations; and Sheets 4.1 – 4.4, Sections.

Engineering plans were prepared by Giuliani and Kull, Inc. and dated July 18, 2011. They were revised October 5, 2011. Engineering plans reviewed for this report include Sheets C-1 and C-2, Grading and Drainage Plans; and Sheet C-3, Boundary and Topographic Survey (dated May 20, 2011).

A landscape plan (Sheet L-1) was prepared by Camp and Camp. It was dated October 21, 2011.

No utilities are shown on the plans and should be shown on the final set of plans. Excavation to install utility connections will not be permitted under the canopies of trees #1, 2, 12, 14 or 15.

TREE INFORMATION

Tree Inventory:

A revised arborist report, dated November 3, 2011, was prepared by David L. Babby, Registered Consulting Arborist #399, and submitted for the project. Sixteen trees protected by City Code were inventoried for the submitted report. Inventoried trees included thirteen coast live oaks (#1 – 11, 14 and 16), one valley oak (#12) and two Douglas firs (#13 and 15). The submitted report includes a Tree Inventory Table, a site map showing the tree locations and photos of each tree.

Tree Removals:

Eight coast live oaks (#3, 4, 5, 6, 7, 8, 9 and 11) are requested for removal to construct the project. Whenever a tree is requested for removal to construct a project, certain findings must be met. A list of criteria permitting the removal of trees is attached to the end of this report. See the Findings section below for a detailed discussion of trees #3 – 9 and 11.

Tree Protection:

Oak tree #1 can be adequately protected during construction as long there is no excavation or addition of fill soil within 10 feet of the trunk of this tree for the installation of utilities to the new house.

Oak #2 grows on a pronounced mound in the center of the proposed circular driveway. It is about five or six feet higher than the surrounding grade as the lot exists now. Construction of the driveway includes construction of a retaining wall at the edge of the driveway and added fill soil between the wall and the top of the mound. This is acceptable. No excavation is permitted within 10 feet of the trunk of tree #2. Fill soil should be limited where it is within 10 feet of the tree.

Oak #10 has decayed and fallen down the hillside. It does not require replacement as part of the project.

Oak #11 is a relatively young oak with two small trunks in fair condition. It is in conflict with the drainage dissipater as the project is designed. It is acceptable to remove this tree to construct the current design, and replace this oak with new trees equal to \$480 (one new 24 inch box tree).

Valley oak #12 is the best tree on the property. To best protect this beautiful valley oak, no work should be done within 20 feet of its trunk, and the tree protection fencing should be placed at this location. No fill soil or excavation will be permitted any closer than 20 feet from the tree's trunk.

Trees #14 and 15 can be adequately protected with fencing during construction. They are far enough from the house that a security deposit is not required for them.

Appraisals:

The submitted arborist report included appraised values of each tree. They were calculated using the *Trunk Formula Method* and according to the *Guide for Plant Appraisal, 9th Edition*, published by the

International Society of Arboriculture (ISA), 2000, which was used in conjunction with the Species Classification and Group Assignment, published by the Western Chapter of the ISA, 2004.

Security Deposit for the Projection of Trees:

Per City Ordinance 15-50.080, a Tree Protection security deposit equal to 100% of the appraised value of trees impacted by the project is required. Owner shall obtain, and file with the Community Development Director, the required security deposit prior to the receipt of building permits. The security deposit may be in the form of a savings account, a certificate of deposit account or a bond. The required security deposit for this project is **\$13,820** and is the total appraised value of trees #2, 12 and 16. This deposit will be held until completion of the project and acceptance by the City.

FINDINGS

Tree Removal

The project was reviewed for the removal of trees #3 – 9 and 11, eight coast live oaks protected by City Code that are in conflict with this project. The table below summarizes the criteria met allowing the removal of each tree. Tree removal criteria that must be met to allow the removal of a tree are attached to the end of this report for reference.

Tree #	Criteria met	Criteria not met	Criteria not pertinent
3 – 9	1, 2, 6, 7, 9	3, 4, 5	8
11	1, 4, 7, 9	2, 3, 5, 6	8

Coast live oak trees #3 – 9: All seven trees are in conflict with the project (criterion #1). Some of these oaks (#4, 5, 7, 9) are also leaning or at risk of failure of parts or the entire tree. Several of these trees requested for removal are in fair or poor condition and have significant decay. Trees #3, 4 and 5 are in conflict with the driveway, and trees #6 – 9 are in conflict with the house. Removal of these seven trees does meet criterion #2 in that they would threaten damage to the proposed structures if left in place and built around them. Removal of these seven trees does not meet criterion #3 in that their roots do prevent erosion of the hillside. Removal of these trees does not meet criterion #4, in that construction of the house will have a significant impact on the appearance of the hillside, and will impact the amount of shade and privacy for the property and the neighbors. It will also impact the aesthetic appearance of the property. Removal of these trees does not meet criterion #5 in that they are not too crowded for good forestry practices. Removal of these trees does meet criterion #6 in that there is no other location on the property that is better in terms of retaining more trees. Specific comments for individual trees are noted below.

Oak tree #3, although given a high suitability for retention in the submitted arborist report, has a significant cavity at the base of the tree with decay. If retained and preserved, it would threaten damage and safety to the residents of the property. Its level of decay significantly increases its risk of failure, which is best addressed by removal for the new home followed by replacement with new trees after construction.

Oaks #4 and 5 were given a low suitability for preservation and a \$0 monetary value in the submitted report. Tree #4 leans over the hillside and tree #5 is dead. Again, they are best addressed by removal to construct the home followed by planting of new trees after construction.

Oak #6 is noted in the arborist submittal as stump sprouts. Their attachments to the root system would be poor and the risk of failure is higher than is reasonable to accept.

Oak #7 is a tree in fair condition, and grows right in the middle of the proposed house. Redesigning the house to retain this tree is not warranted because the tree does not have good enough structure.

Oak #8 is a very large oak that appears quite healthy. However, it has three trunks that are in contact with each other and as they increase in girth they will press against each other. This tree is at an increased risk of one or more of the trunks splitting from the rest of the tree, leading to significant decay pockets and a threat to safety.

Oak #9 leans downhill and this lean puts it at an increased risk of failure.

Oak tree #11: This oak is in conflict with the drainage dissipater on the south side of the house. It is comprised of two small trunks that meet at the ground.

Tree #11 meets criterion #1 in that it is in conflict with the drainage dissipater for the south side of the house which cannot be built as designed if this tree is left in place. It does not threaten damage to structures so it does not meet criterion #2. This tree helps to control erosion, so it does not meet criterion #3. However, the drainage dissipater also helps to control erosion of the property. Its removal will not significantly impact shade, privacy or scenic beauty of the property, so this tree does meet criterion #4. This tree is not growing too close to other trees for good forestry practices, so it does not meet criterion #5. There is an alternative to removing this tree, which is to design the drainage dissipater to allow its retention, so it does not meet criterion #6. The cost of the redesign is not warranted in this situation, where the value of the tree is relatively low and its suitability for retention is not high. Removal of this tree and replacement with new trees does meet the intention of the Tree Regulations, in that the new tree will likely have better structure than this one (criterion #7). Public safety and health is not a concern with this tree, so its removal does not meet this criterion (#8). Removal of this tree does meet criterion #9, which allows economic and other enjoyment of the property by the owners.

Replacement Trees:

The total appraised value of trees #3 – 9 and 11 is **\$26,550**. It is acceptable to remove these trees and plant new trees equal to their total appraised value as part of the project. No trees may be removed until all applicable permits have been obtained. Replacement values for new trees can be found in the table below. Replacement trees may be planted anywhere on the property. At least seven replacement trees shall be from the City’s list of native species.

Assigned values for replacement trees:

15 gallon = \$150; 36 inch box = \$1,500; 24 inch box = \$500; 48 inch box = \$5,000; 60 inch box = 7,000; 72 inch box = \$15,000
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Acceptable native species include:

- | | |
|---|--|
| 1. coast live oak (<i>Quercus agrifolia</i>), | 5. valley oak (<i>Quercus lobata</i>), |
| 2. blue oak (<i>Quercus douglasii</i>), | 6. black oak (<i>Quercus kelloggii</i>), |
| 3. big leaf maple (<i>Acer macrophyllum</i>), | 7. California buckeye (<i>Aesculus californica</i>), |
| 4. Douglas fir (<i>Pseudotsuga menziesii</i>) | 8. coast redwood (<i>Sequoia sempervirens</i>). |

The plans indicate that 15 new trees will be planted on the property. The total replacement value of the new trees is **\$8,150**. This is not sufficient to replace the trees approved for removal to construct the project. Either more trees are required on the property, or the difference between the value of replacement trees planted and the required replacement value can be put into the Tree Fund for planting new trees elsewhere in the City.

New Construction

Based on a review of information provided, and as conditioned, the project complies with the requirements for the setback of new construction from existing trees under Section 15-50.120 of the City Code.

REQUIREMENTS

1. The submitted arborist report prepared by David Babby and dated November 3, 2011, shall be included in the set of plans submitted to the Building Division for review. This set becomes the job copy of the plans. It shall include the Tree Inventory Table and the map showing tree locations.
2. All recommendations of the submitted arborist report (Babby, November 3, 2011) shall be followed during construction of the project.
3. This entire report shall be incorporated into the set of the plans submitted to the Building Division which becomes the job copy of the plans.
4. No protected tree authorized for removal or encroachment pursuant to this project may be removed or encroached upon until the issuance of the applicable permit from the building division for the approved project.
5. Applicant is responsible for protecting trees per City Code Article 15-50 on all construction work. Receipt of a Planning or Building permit does not relieve applicant of his responsibilities under this Code.
6. Tree Protection Security Deposit - **\$13,820**
 - a. Owner shall obtain, and file with the Community Development Director, a Tree Protection security deposit for trees #2, 12 and 16, prior to obtaining Building Division permits.
 - b. The tree protection security deposit shall remain in place for the duration of construction of the project to ensure the protection of the trees.
 - c. Once the project has been completed, inspected and approved by the City, the bond will be released.
7. Tree Protection:
 - a. Fencing shall be installed as shown on the attached map.
 - b. Shall be established prior to the arrival of construction equipment or materials on site.
 - c. Shall be comprised of six-foot high chain link fencing mounted on eight-foot tall, 1 7/8-inch diameter galvanized posts, driven 24 inches into the ground and spaced no more than 10 feet apart.

- d. Shall be posted with signs saying “TREE PROTECTION FENCE - DO NOT REMOVE WITHOUT APPROVAL FROM CITY ARBORIST”.
 - e. Call City Arborist, Kate Bear at (408) 868-1276 for an inspection of tree protection fencing once it has been installed. This is required prior to obtaining Building Division permits.
 - f. Tree protection fencing shall remain undisturbed throughout the construction until final inspection. If contractor feels that work must be done inside the fenced area, call City Arborist to arrange a field meeting.
8. Utilities shall be shown on the plans for evaluation for impacts to trees prior to issuance of Building permits. Utilities include, but are not limited to, electrical, drainage, water, sewer, gas and irrigation for landscaping.
 9. No excavation is permitted under the canopy of any protected tree on site for installation of utilities without prior approval from the City Arborist. Approval shall be obtained before any work takes place. Failure to do so may lead to a hold on the Tree Protection Security Deposit put in place by the property owner for a period of up to five years after the completion of construction.
 10. No changes in grade, including addition of fill soil, soil cuts, or trenching is permitted within the distances listed below:
 - a. 10 feet – tree #2
 - b. 20 feet – tree #12
 11. Trees #3 – 9 and 11 meet the criteria for removal and may be removed once Building Division permits have been obtained.
 12. New trees equal to **\$26,550** shall be planted as part of the project.
 13. Replacement values for new trees are: 15 gallon = \$150; 36 inch box = \$1,500; 24 inch box = \$500; 48 inch box = \$5,000; 60 inch box = 7,000; 72 inch box = \$15,000
 14. Replacement trees may be planted anywhere on the property.
 15. At least seven replacement trees shall be from the City’s list of native species: Acceptable native species include: coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), black oak (*Quercus kelloggii*), big leaf maple (*Acer macrophyllum*), California buckeye (*Aesculus californica*), Douglas fir (*Pseudotsuga menziesii*), coast redwood (*Sequoia sempervirens*).
 16. Unless otherwise approved by the City Arborist, all construction activities must be conducted outside the designated fenced area (even after fencing is removed). These activities include, but are not necessarily limited to, the following: demolition, grading, trenching, equipment cleaning, stockpiling and dumping materials (including soil fill), and equipment/vehicle operation and parking.
 17. Any permitted pruning or root pruning of trees on site shall be performed under the supervision of an ISA Certified Arborist and according to ISA standards.

18. Excavation for the new driveway shall be at least 10 feet from the trunk of tree #2. Fill soil shall not exceed six inches around tree #2 where it is within 10 feet of the tree's trunk.
19. The disposal of harmful products (such as chemicals, oil and gasoline) is prohibited under tree canopies or anywhere on site that allows drainage to areas under tree canopies. Herbicides shall not be applied under tree canopies.
20. At the end of the project, when the contractor wants to remove tree protection fencing, call City Arborist for a final inspection.

ATTACHMENTS:

Tree Removal Criteria

TREE REMOVAL CRITERIA

Criteria that permit the removal of a protected tree are listed below. This information is from Article 15-50.080 of the City Code and is applied to any tree requested for removal as part of the project. If findings are made that meet the criteria listed below, the tree(s) may be approved for removal and replacement during construction.

- (1) The condition of the tree with respect to disease, imminent danger of falling, proximity to existing or proposed structures and interference with utility services;
- (2) The necessity to remove the tree because of physical damage or threatened damage to improvements or impervious surfaces on the property;
- (3) The topography of the land and the effect of the tree removal upon erosion, soil retention and the diversion or increased flow of surface waters, particularly on steep slopes;
- (4) The number, species, size and location of existing trees in the area and the effect the removal would have upon shade, privacy impact, scenic beauty, property values, erosion control, and the general welfare of residents in the area;
- (5) The age and number of healthy trees the property is able to support according to good forestry practices;
- (6) Whether or not there are any alternatives that would allow for retaining or not encroaching on the protected tree;
- (7) Whether the approval of the request would be contrary to or in conflict with the general purpose and intent of this Article;
- (8) Any other information relevant to the public health, safety, or general welfare and the purposes of this ordinance as set forth in section 15-50.010; and
- (9) The necessity to remove the tree for economic or other enjoyment of the property when there is no other feasible alternative to the removal.

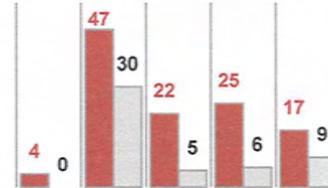
GreenPoint Rated Checklist: Single Family

The GreenPoint Rated checklist tracks green features incorporated into the home. **A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.** GreenPoint Rated is provided as a public service by Build It Green, a professional non-profit whose mission is to promote healthy, energy and resource efficient buildings in California. The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Energy (30), Indoor Air Quality/Health (5), Resources (6), and Water (9); and meet the prerequisites A.2.a, H10a., J.2., N.1, and Q0.



Total Points Targeted: **115**

This checklist accommodates the verification of mandatory CALGreen measures but does not signify compliance unless accepted by enforcing agency. All CALGreen measures within the checklist must be selected as "Yes" or "n/a" for compliance with GreenPoint Rated. Build It Green is not a code enforcement agency.



Criteria for the green building practices listed below are described in the GreenPoint Rated Single Family Rating Manual. For more information please visit www.builditgreen.org/greenpointrated

Single Family New Home 4.2 / 2008 Title 24

21216 Bank Mill Road, Saratoga, Ca.		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
A. SITE			Possible Points					
1. Protect Topsoil and Minimize Disruption of Existing Plants & Trees								GOAL POINTS AND SHEET WHERE INFO IS PLANNED TO BE PUT
TBD	a. Protect Topsoil and Reuse after Construction	0	1				1	162-164 GOAL POINTS
TBD	b. Limit and Delineate Construction Footprint for Maximum Protection	0					1	
2. Divert/Recycle Job Site Construction Waste (Including Green Waste and Existing Structures)								
Yes	a. Required: Divert 50% (by weight) of All Construction and Demolition Waste (Recycling or Reuse) (CALGreen Code)	Y				R		ARCHITECTURE SPECIFICATIONS
Yes	b. Divert 100% of Asphalt and Concrete and 65% (by weight) of Remaining Materials	2				2		ARCH SPECIFICATIONS
BD	c. Divert 100% of Asphalt and Concrete and 80% (by weight) of Remaining Materials	0				2		
3. Use Recycled Content Aggregate (Minimum 25%)								
TBD	a. Walkway and Driveway Base	0				1		
Yes	b. Roadway Base	1				1		ARCH SPECIFICATIONS
TBD	4. Cool Site: Reduce Heat Island Effect On Site	0	1					
5. Construction Environmental Quality Management Plan, Duct Sealing, and Pre-Occupancy Flush-Out [*This credit is a requirement associated with J4: EPA IAP]								
Yes	a. Duct openings and other related air distribution component openings shall be covered during construction. (CALGreen code if applicable)	1			1			ARCH SPECIFICATIONS, EMP NOTES
Yes	b. Full environmental quality management plan and pre-occupancy flush out is conducted (Prerequisite is A5a)	1			1			ARCH SPECIFICATIONS
Total Points Available in Site = 12		5						
B. FOUNDATION			Possible Points					

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
≥20%	1. Replace Portland Cement in Concrete with Recycled Fly Ash and/or Slag (Minimum 20%)	1				2		ARCH SPECIFICATIONS
Yes	2. Use Frost-Protected Shallow Foundation in Cold Areas (CEC Climate Zone 16)	2				2		
Yes	3. Use Radon Resistant Construction [*This credit is a requirement associated with J4: EPA IAP]	2			2			
Yes	4. Install a Foundation Drainage System [*This credit is a requirement associated with J4: EPA IAP]	2				2		COST RESEARCH
Yes	5. Moisture Controlled Crawlspace [*This credit is a requirement associated with J4: EPA IAP]	2			2			COST RESEARCH - ARCH SPECIFICATIONS
Yes	6. Design and Build Structural Pest Controls							
Yes	a. Install Termite Shields & Separate All Exterior Wood-to-Concrete Connections	1				1		ARCH SPECIFICATIONS
Yes	b. All Plants Have Trunk, Base, or Stem Located At Least 36 Inches from Foundation	1				1		LANDSCAPE PLANS
Total Points Available in Foundation = 12		11						
C. LANDSCAPE			Possible Points					
0%	Enter in the % of landscape area. (Projects with less than 15% of the total site area (i.e. total lot size) as landscape area are capped at 6 points for the following measures: C1 through C7 and C9 through C11.							LANDSCAPE PLANS - ALL
Yes	1. Group Plants by Water Needs (Hydrozoning)	2					2	LANDSCAPE PLANS
Yes	2. Mulch All Planting Beds to the Greater of 3 Inches or Local Water Ordinance Requirement	2					2	LANDSCAPE PLANS
Yes	3. Construct Resource-Efficient Landscapes							
Yes	a. No Invasive Species Listed by Cal-IPC Are Planted	1					1	LANDSCAPE PLANS
Yes	b. No Plant Species Will Require Shearing	1				1		
Yes	c. 75% of Plants Are Drought Tolerant, California Natives or Mediterranean Species or Other Appropriate Species	0					3	+3 - PROGRAM NOT WORKING
Yes	4. Minimize Turf in Landscape Installed by Builder							
Yes	a. Turf Shall Not Be Installed on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less than 8 Feet Wide	0					2	+2 - PROGRAM NOT WORKING
≥25%	b. Turf is Small Percentage of Landscaped Area (2 Points for ≤25%, 4 Points for ≤10%)	0					4	+2-4 - PROGRAM NOT WORKING
Yes	5. Plant Shade Trees	0	1	1			1	
Yes	6. Install High-Efficiency Irrigation Systems							
Yes	a. System Uses Only Low-Flow Drip, Bubblers, or Sprinklers	0					2	+ 2 - PROGRAM NOT WORKING
Yes	b. System Has Smart (Weather-Based) Controller (CALGreen code if applicable)	0					3	+3 - PROGRAM NOT WORKING
Yes	7. Incorporate Two Inches of Compost in the Top 6 to 12 Inches of Soil	0					3	+3 - PROGRAM NOT WORKING
No	8. Rain Water Harvesting System							
No	a. Cistern(s) is Less Than 750 Gallons	0					1	+1 - PROGRAM NOT WORKING
TBD	b. Cistern(s) is 750 to 2,500 Gallons	0					1	
TBD	c. Cistern(s) is Greater Than 2,500 Gallons	0					1	
TBD	9. Irrigation System Uses Recycled Wastewater	0					1	
TBD	10. Submetering for Landscape Irrigation	0					1	Ask Environmental Foresight - cost?
	11. Design Landscape to Meet Water Budget							

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	a. Install Irrigation System That Will Be Operated at ≤70% Reference ET (Prerequisites for Credit are C1. and C2.)	0					1	Ask Environmental Foresight
TBD	b. Install Irrigation System That Will Be Operated at ≤50% Reference ET (Prerequisites for Credit are C1, C2, and C6a or C6b.)	0					1	
TBD	12. Use Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing A) FSC-Certified Wood, B) Reclaimed, C) Rapidly Renewable, D) Recycled-Content E) Finger-Jointed or F) Local	0				1		maybe
Yes	13. Reduce Light Pollution by Shielding Fixtures and Directing Light Downward	1	1					24 -26 POINTS IN LANDSCAPE
Total Points Available in Landscape = 35		7						
STRUCTURAL FRAME & BUILDING ENVELOPE			Possible Points					
1. Apply Optimal Value Engineering								
No	a. Place Joists, Rafters and Studs at 24-Inch On Center	0				3		STRUCTURAL ENGINEERING PLANS-ALL
Yes	b. Door and Window Headers are Sized for Load	1				1		Discuss with VK Engineering
No	c. Use Only Cripple Studs Required for Load	0				1		same for all framing points
2. Construction Material Efficiencies								
TBD	a. Wall and Floor Assemblies (Excluding Solid Wall Assemblies) are Delivered Panelized from Supplier (Minimum of 80% Square Feet)	0				2		
TBD	b. Modular Components Are Delivered Assembled to the Project (Minimum 25%)	0				6		
3. Use Engineered Lumber								
Yes	a. Engineered Beams and Headers	1				1		
Yes	b. Wood I-Joists or Web Trusses for Floors	1				1		
TBD	c. Engineered Lumber for Roof Rafters	0				1		
Yes	d. Engineered or Finger-Jointed Studs for Vertical Applications	1				1		
Yes	e. Oriented Strand Board for Subfloor	1				1		
Yes	f. Oriented Strand Board for Wall and Roof Sheathing	1				1		
TBD	4. Insulated Headers	0		1				
5. Use FSC-Certified Wood								
TBD	a. Dimensional Lumber, Studs and Timber (Minimum 40%)	0				6		
TBD	b. Panel Products (Minimum 40%)	0				3		
6. Use Solid Wall Systems (Includes SIPS, ICFs, & Any Non-Stick Frame Assembly)								
TBD	a. Floors	0				2		
TBD	b. Walls	0				2		
TBD	c. Roofs	0				1		
TBD	7. Energy Heels on Roof Trusses (75% of Attic Insulation Height at Outside Edge of Exterior Wall)	0		1				
8. Install Overhangs and Gutters								
Yes	a. Minimum 16-Inch Overhangs and Gutters	1				1		ARCH FLOOR PLNS, ROOF PLN, SECTIONS
TBD	b. Minimum 24-Inch Overhangs and Gutters	0		1				
9. Reduce Pollution Entering the Home from the Garage [*This credit is a requirement associated with J4: EPA IAP]								
Yes	a. Install Garage Exhaust Fan OR Build a Detached Garage	1			1			ARCH EMP SHEET

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		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	b. Tightly Seal the Air Barrier between Garage and Living Area (Performance Test Required)	1			1			
Total Points Available in Structural Frame and Building Envelope = 39		9						
E. EXTERIOR			Possible Points					
TBD	1. Use Environmentally Preferable Decking	0			2			
TBD	2. Flashing Installation Techniques Specified and Third-Party Verified [*This credit is a requirement associated with J4: EPA IAP]	0			1			Ask Chuck Carpenter
TBD	3. Install a Rain Screen Wall System	0			2			Maybe - get a price from the contractor
Yes	4. Use Durable and Non-Combustible Siding Materials	1			1			ARCH ELEVATIONS
Yes	5. Use Durable and Fire Resistant Roofing Materials or Assembly	2			2			ARCH ELEVATIONS
Total Points Available in Exterior = 8		3						
F. INSULATION			Possible Points					
1. Install Insulation with 75% Recycled Content								
Yes	a. Walls	1			1			ARCH SECTIONS, TITLE 24 SHEET
Yes	b. Ceilings	1			1			ARCH SECTIONS, TITLE 24 SHEET
Yes	c. Floors	1			1			ARCH SECTIONS, TITLE 24 SHEET
Total Points Available in Insulation = 3		3						
G. PLUMBING			Possible Points					
1. Distribute Domestic Hot Water Efficiently (Max. 5 points, G1a. is a Prerequisite for G1b-e)								
Yes	a. Insulate All Hot Water Pipes [*This credit is a requirement associated with J4: EPA IAP]	2		1			1	ARCH SPECIFICATIONS
TBD	b. Use Engineered Parallel Plumbing	0					1	
Yes	c. Use Engineered Parallel Plumbing with Demand Controlled Circulation Loop(s)	0					1	
Yes	d. Use Traditional Trunk, Branch and Twig Plumbing with Demand Controlled Circulation Loop(s)	0		1			2	Research is this the same as on-demand hot water recirculation pump?
Yes	e. Use Central Core Plumbing	3		1		1	1	
2. Water Efficient Fixtures								
Yes	a. High Efficiency Showerheads ≤2.0 Gallons Per Minute (gpm) at 80 psi. (Multiple showerheads shall not exceed maximum flow rates) (CALGreen code if applicable)	3					3	ARCH SPECIFICATIONS
Yes	b. High Efficiency Bathroom Faucets ≤ 1.5 gpm at 60psi (CALGreen code)	1					1	ARCH SPECIFICATIONS
Yes	c. High Efficiency Kitchen and Utility Faucets ≤1.8 gpm (CALGreen code if applicable)	1					1	ARCH SPECIFICATIONS
Yes	3. Install Only High Efficiency Toilets (Dual-Flush or ≤1.28 Gallons Per Flush (gpf)) (CALGreen code if applicable)	2					2	Need to look at styles available
Total Points Available in Plumbing = 12		12						
H. HEATING, VENTILATION & AIR CONDITIONING			Possible Points					
1. Properly Design HVAC System and Perform Diagnostic Testing								
Yes	a. Design and Install HVAC System to ACCA Manual J, D, and S Recommendations (CALGreen code if applicable) [*This credit is a requirement associated with J4: EPA IAP]	4		4				ARCH SPECIFICATIONS
Yes	b. Test Total Supply Air Flow Rates [*This credit is a requirement associated with J4: EPA IAP]	1		1				
Yes	c. Third Party Testing of Mechanical Ventilation Rates for IAQ (meet ASHRAE 62.2)	1		1				

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		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
2. Install Sealed Combustion Units [*This credit is a requirement associated with J4: EPA IAP]								
Yes	a. Furnaces	2			2			ARCH EMP SHEET
Yes	b. Water Heaters	2			2			ARCH EMP SHEET
No	3. Install High Performing Zoned Hydronic Radiant Heating	0		1	1			ARCH EMP SHEET
TBD	4. Install High Efficiency Air Conditioning with Environmentally Preferable Refrigerants	0	1					ARCH EMP SHEET
5. Design and Install Effective Ductwork								
Yes	a. Install HVAC Unit and Ductwork within Conditioned Space	1		1				
Yes	b. Use Duct Mastic on All Duct Joints and Seams [*This credit is a requirement associated with J4: EPA IAP]	1		1				ARCH EMP SHEET
TBD	c. Pressure Relieve the Ductwork System [*This credit is a requirement associated with J4: EPA IAP]	0		1				research
Yes	6. Install High Efficiency HVAC Filter (MERV 6+) [*This credit is a requirement associated with J4: EPA IAP]	1			1			ARCH EMP SHEET
No	7. No Fireplace OR Install Sealed Gas Fireplace(s) with Efficiency Rating >60% using CSA Standards [*This credit is a requirement associated with J4: EPA IAP]	0			1			ARCH EMP SHEET
Yes	8. Install ENERGY STAR Bathroom Fans on Timer or Humidistat (CALGreen code if applicable)	1			1			ARCH EMP SHEET
9. Install Mechanical Ventilation System for Cooling (Max. 4 Points)								
Yes	a. Install ENERGY STAR Ceiling Fans & Light Kits in Living Areas & All Bedrooms	1		1				ARCH EMP SHEET
Yes	b. Install Whole House Fan (Credit Not Available if H9c Chosen) (CALGreen code if applicable)	1		1				ARCH EMP SHEET
TBD	c. Automatically Controlled Integrated System with Variable Speed Control	0		3				research
10. Advanced Mechanical Ventilation for IAQ								
Yes	a. Required: Compliance with ASHRAE 62.2 Mechanical Ventilation Standards (as adopted in Title 24 Part 6) [*This credit is a requirement associated with J4: EPA IAP]	Y			R			TITLE 24
TBD	b. Advanced Ventilation Practices (Continuous Operation, Sone Limit, Minimum Efficiency, Minimum Ventilation Rate, Homeowner Instructions)	0			1			
TBD	c. Outdoor Air Ducted to Bedroom and Living Areas of Home	0			2			
Yes	11. Install Carbon Monoxide Alarm(s) (or No Combustion Appliances in Living Space and No Attached Garage) [*This credit is a requirement associated with J4: EPA IAP]	1			1			ARCH EMP SHEET
Total Points Available in Heating, Ventilation and Air Conditioning = 27		17						
I. RENEWABLE ENERGY			Possible Points					
TBD	1. Pre-Plumb for Solar Water Heating	0				1		
TBD	2. Install Wiring Conduit for Future Photovoltaic Installation & Provide 200 ft² of South-Facing Roof	0				1		ARCH EMP SHEET, ROOF PLAN
0.0%	3. Offset Energy Consumption with Onsite Renewable Generation (Solar PV, Solar Thermal, Wind) <i>Enter % total energy consumption offset, 1 point per 4% offset</i>	0		25				to be determined - installing solar

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
TBD	b. Interior Trim (50% Minimum)	0				2		
TBD	c. Shelving (50% Minimum)	0				2		
TBD	d. Doors (50% Minimum)	0				2		
TBD	e. Countertops (50% Minimum)	0				2		
Yes	7. Reduce Formaldehyde in Interior Finish – Meet Current CARB Airborne Toxic Control Measure (ATCM) for Composite Wood Formaldehyde Limits by Mandatory Compliance Dates (CALGreen code if applicable) [*This credit is a requirement associated with J4: EPA IAP]	Y			0			ARCH FLOOR PLAN NOTES, SPECIFICATIONS
	8. Reduce Formaldehyde in Interior Finish - Exceed Current CARB ATCM for Composite Wood Formaldehyde Limits Prior to Mandatory Compliance Dates							
TBD	a. Doors (90% Minimum)	0			1			
TBD	b. Cabinets & Countertops (90% Minimum)	0			2			
TBD	c. Interior Trim and Shelving (90% Minimum)	0			1			
TBD	9. After Installation of Finishes, Test of Indoor Air Shows Formaldehyde Level <27ppb	0			3			
Total Available Points in Finishes = 27		6						
L. FLOORING			Possible Points					
TBD	1. Use Environmentally Preferable Flooring (Minimum 15% Floor Area) A) FSC-Certified Wood, B) Reclaimed or Refinished, C) Rapidly Renewable, D) Recycled-Content, E) Exposed Concrete, F) Local. <i>Flooring Adhesives Must Meet SCAQMD Rule 1168 for VOCs.</i>	0				4		
TBD	2. Thermal Mass Floors (Minimum 50%)	0		1				
TBD	3. Low Emitting Flooring (Section 01350, CRI Green Label Plus, Floorscore [*This credit is a requirement associated with J4: EPA IAP]	0			3			
Yes	4. All carpet and 50% of Resilient Flooring is low emitting. (CALGreen code if applicable)	Y						
Total Available Points in Flooring = 8		0						
M. APPLIANCES AND LIGHTING			Possible Points					
TBD	1. Install ENERGY STAR Dishwasher (Must Meet Current Specifications)	0		1			1	ARCH EMP SHEET
	2. Install ENERGY STAR Clothes Washer							
TBD	a. Meets ENERGY STAR and CEE Tier 2 Requirements (Modified Energy Factor 2.0, Water Factor 6.0 or less)	0		1			2	ARCH EMP SHEET
TBD	b. Meets ENERGY STAR and CEE Tier 3 Requirements (Modified Energy Factor 2.2, Water Factor 4.5 or less)	0					2	
	3. Install ENERGY STAR Refrigerator							
TBD	a. ENERGY STAR Qualified & < 25 Cubic Feet Capacity	0		1				ARCH EMP SHEET
TBD	b. ENERGY STAR Qualified & < 20 Cubic Feet Capacity	0		1				
	4. Install Built-In Recycling Center or Composting Center							
TBD	a. Built-In Recycling Center	0				1		ARCH FLOOR PLAN
TBD	b. Built-In Composting Center	0				1		
	5. Install High-Efficacy Lighting and Design Lighting System							

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Total Available Points in Renewable Energy = 27		0						
J. BUILDING PERFORMANCE			Possible Points					
1. Building Envelope Diagnostic Evaluations								
Yes	a. Verify Quality of Insulation Installation & Thermal Bypass Checklist before Drywall [*This credit is a requirement associated with J4: EPA IAP]	1		1				ARCH SPECIFICATIONS, "GREEN CHECK CALIFORNIA" GROUP TO TEST AND VERIFY
Yes	b. House Passes Blower Door Test [*This credit is a requirement associated with J4: EPA IAP]	1		1				ARCH SPECIFICATIONS, "GREEN CHECK CALIFORNIA" GROUP TO TEST AND VERIFY
Yes	c. Blower Door Results are Max 2.5 ACH ₅₀ for Unbalanced Systems (Supply or Exhaust) or Max 1.0 ACH ₅₀ for Balanced Systems (2 Total Points for J1b. and J1c.)	1		1				ARCH SPECIFICATIONS, "GREEN CHECK CALIFORNIA" GROUP TO TEST AND VERIFY
Yes	d. House Passes Combustion Safety Backdraft Test	1			1			ABOVE
15%	2. Required: Building Performance Exceeds Title 24 (Minimum 15%) (Enter the Percent Better Than Title 24, Points for Every 1% Better Than Title 24)	30		≥30				TITLE 24
No	3. Design and Build Near Zero Energy Homes (Enter number of points, minimum of 2 and maximum of 6 points)	0		6				
No	4. Obtain EPA Indoor airPlus Certification (Total 42 points, not including Title 24 performance; read comment)	0			2			
No	5. Title 24 Prepared and Signed by a CABEC Certified Energy Plans Examiner (CEPE)	0		1				Ask TITLE 24 CONSULTANT
6. Participation in Utility Program with Third Party Plan Review								
TBD	a. Energy Efficiency Program [*This credit is a requirement associated with J4: EPA IAP]	0		1				
TBD	b. Renewable Energy Program with Min. 30% Better Than Title 24 (High Performing Home)	0		1				Ask TITLE 24 CONSULTANT
Total Available Points in Building Performance = 45+		34						
K. FINISHES			Possible Points					
Yes	1. Design Entryways to Reduce Tracked-In Contaminants	1			1			ARCH FLOOR PLAN NOTES, SPECIFICATIONS
2. Use Low-VOC or Zero-VOC Paint (Maximum 3 Points)								
Yes	a. Low-VOC Interior Wall/Ceiling Paints (CALGreen code if applicable) (<50 Grams Per Liter (gpl) VOCs Regardless of Sheen) [*This credit is a requirement associated with J4: EPA IAP]	1			1			ARCH FLOOR PLAN NOTES, SPECIFICATIONS
TBD	b. Zero-VOC: Interior Wall/Ceiling Paints (<5 gpl VOCs Regardless of Sheen)	0			2			
Yes	3. Use Low-VOC Coatings that Meet SCAQMD Rule 1113 (CALGreen code if applicable) [*This credit is a requirement associated with J4: EPA IAP]	2			2			ARCH FLOOR PLAN NOTES, SPECIFICATIONS
Yes	4. Use Low-VOC Caulks, Construction Adhesives and Sealants that Meet SCAQMD Rule 1168 (CALGreen code if applicable)	2			2			ARCH FLOOR PLAN NOTES, SPECIFICATIONS
No	5. Use Recycled-Content Paint	0				1		
6. Use Environmentally Preferable Materials for Interior Finish A) FSC-Certified Wood, B) Reclaimed, C) Rapidly Renewable, D) Recycled-Content or E) Finger-Jointed F) Local								
TBD	a. Cabinets (50% Minimum)	0				3		

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	a. Install High-Efficacy Lighting	1		1				ARCH EMP SHEET
TBD	b. Install a Lighting System to IESNA Footcandle Standards or Hire Lighting Consultant	0		1				
Total Available Points in Appliances and Lighting = 13		1						
N. OTHER			Possible Points					
Yes	1. Required: Incorporate GreenPoint Rated Checklist in Blueprints [*This credit is a requirement associated with J4: EPA IAP]	Y				R		GPR.1 SPECIAL SHEET
Yes	2. Pre-Construction Kick-Off Meeting with Rater and Subs	1	1					ARCH SPECIFICATIONS
TBD	3. Homebuilder's Management Staff are Certified Green Building Professionals	0	1					maybe if they go with Gayler Construction in Danville
	4. Develop Homeowner Education							
Yes	a. Develop Homeowner Manual of Green Features/Benefits (CALGreen code if applicable) [*This credit is a requirement associated with J4: EPA IAP]	2		1			1	SEPARATE DOCUMENT
TBD	b. Conduct Educational Walkthroughs (Prerequisite is N4a) [*This credit is a requirement associated with J4: EPA IAP]	0			1			
TBD	5. Install a Home System Monitor OR Participate in a Time-of-Use Pricing Program	0		1				
Total Available Points in Other = 6		3						
O. COMMUNITY DESIGN & PLANNING			Possible Points					
	1. Develop Infill Sites							
TBD	a. Project is an Urban Infill Development	0	1				1	
TBD	b. Home(s)/Development is Located within 1/2 Mile of a Major Transit Stop	0	2					
TBD	2. Build on Designated Brownfield Site	0	3					
	3. Cluster Homes & Keep Size in Check							
TBD	a. Cluster Homes for Land Preservation	0	1				1	
TBD	b. Conserve Resources by Increasing Density (10 Units per Acre or Greater)	0	2				2	
	c. Home Size Efficiency	0					9	
	i. Enter Average Unit Square Footage							
	ii. Enter Average Number of Bedrooms/Unit							
	4. Design for Walking & Bicycling							
	a. Site Has Pedestrian Access Within 1/2 Mile of Community Services:							
	TIER 1: Enter Number of Services Within 1/2 Mile							
	1) Day Care 2) Community Center 3) Public Park 4) Drug Store							
	5) Restaurant 6) School 7) Library 8) Farmer's Market 9) After School Programs 10) Convenience Store Where Meat & Produce are Sold							
	TIER 2: Enter Number of Services Within 1/2 Mile							
	1) Bank 2) Place of Worship 3) Laundry/Cleaners 4) Hardware							
	5) Theater/Entertainment 6) Fitness/Gym 7) Post Office							
	8) Senior Care Facility 9) Medical/Dental 10) Hair Care							
	11) Commercial Office or Major Employer 12) Full Scale Supermarket							
	i. 5 Services Listed Above (Tier 2 Services Count as 1/2 Service Value)	0	1					
	ii. 10 Services Listed Above (Tier 2 Services Count as 1/2 Service Value)	0	1					

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes	
TBD	b. Development is Connected with A Dedicated Pedestrian Pathway to Places of Recreational Interest Within 1/4 mile	0	1					unknown	
TBD	c. Install Traffic Calming Strategies (Minimum of Two): - Designated Bicycle Lanes are Present on Roadways; - Ten-Foot Vehicle Travel Lanes; - Street Crossings Closest to Site are Located Less Than 300 Feet Apart; - Streets Have Rumble Strips, Bulbouts, Raised Crosswalks or Refuge Islands	0	2						
5. Design for Safety & Social Gathering									
Yes	a. All Home Front Entrances Have Views from the Inside to Outside Callers	1	1					ARCH FLOOR PLAN	
Yes	b. All Home Front Entrances Can be Seen from the Street and/or from Other Front Doors	1	1					ARCH SITE PLAN	
TBD	c. Orient Porches (min. 100sf) to Streets and Public Spaces	0	1						
TBD	d. Development Includes a Social Gathering Space	0	1						
6. Design for Diverse Households (6a. is a Prerequisite for 6b. and 6c.)									
TBD	a. All Homes Have At Least One Zero-Step Entrance	0	1						
TBD	b. All Main Floor Interior Doors & Passageways Have a Minimum 32-Inch Clear Passage Space	0	1						
Yes	c. Locate Half-Bath on the Ground Floor	0	1					+1 PROGRAM NOT WORKING - FLOOR PLAN	
TBD	d. Provide Full-Function Independent Rental Unit	0	1						
Total Achievable Points in Community Design & Planning = 35		2							
P. INNOVATION			Possible Points						
A. Site									
1. Stormwater Control: Prescriptive Path (Maximum of 3 Points, Mutually Exclusive with PA2.)									
No	a. Use Permeable Paving for 25% of Driveways, Patios and Walkways	0	1					LANDSCAPE PLANS	
No	b. Install Bio-Retention and Filtration Features	0	2					LANDSCAPE PLANS	
TBD	c. Route Downspout Through Permeable Landscape	0	1					ARCH ROOF PLAN NOTES	
TBD	d. Use Non-Leaching Roofing Materials	0	1						
BD	e. Include Smart Street/Driveway Design	0	1						
TBD	2. Stormwater Control: Performance Path (Mutually Exclusive with PA1): Perform Soil Percolation Test and Capture and Treat 85% of Total Annual Runoff	0	3						
C. Landscape									
Yes	1. Meet Local Landscape Program Requirement	2					2	LANDSCAPE PLAN	
D. Structural Frame & Building Envelope									
1. Design, Build and Maintain Structural Pest and Rot Controls									
TBD	a. Locate All Wood (Siding, Trim, Structure) At Least 12" Above Soil	0				1			
TBD	b. All Wood Framing 3 Feet from the Foundation is Treated with Borates (or Use Factory-Impregnated Materials) OR Walls are Not Made of Wood	0				1			
TBD	2. Use Moisture Resistant Materials in Wet Areas: Kitchen, Bathrooms, Utility Rooms, and Basements [*This credit is a requirement associated with J4: EPA IAP]	0			1	1		ARCH FLOOR PLANS	
E. Exterior									
TBD	1. Vegetated Roof (Minimum 25%)	0	2	2					

21216 Bank Mill Road, Saratoga, Ca.

		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
G. Plumbing								
TBD	1. Greywater Pre-Plumbing (Includes Washing Machine at Minimum)	0					1	
TBD	2. Greywater System Operational (Includes Washing Machine at Minimum)	0					2	
TBD	3. Innovative Wastewater Technology (Constructed Wetland, Sand Filter, Aerobic System)	0					1	
TBD	4. Composting or Waterless Toilet	0					2	
TBD	5. Install Drain Water Heat-Recovery System	0		1				
TBD	6. Install a Hot Water Desuperheater	0		2				
H. Heating, Ventilation, and Air Conditioning								
TBD	1. Humidity Control Systems (Only in California Humid/Marine Climate Zones 1,3,5,6,7) [*This credit is a requirement associated with J4: EPA IAP]	0			1			
BD	2. Design HVAC System to Manual T for Register Design	0		1				
K. Finishes								
TBD	1. Materials Meet SMaRT Criteria (Select the number of points, up to 5 points)	0				5		
N. Other								
TBD	1. Detailed Durability Plan and Third-Party Verification of Plan Implementation	0				2		
2. Educational Signage of Project's Green Features								
TBD	a. Promotion of Green Building Practices	0	1					
TBD	b. Installed Green Building Educational Signage	0	1					
3. Innovation: List innovative measures that meet green building objectives. Enter in the number of points in each category for a maximum of 4 points for the measure in the blue cells. Points achieved column will be automatically fill in based on the sum of the points in each category. Points and measures will be evaluated by Build It Green.								
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
TBD	Innovation: Enter up to 4 Points at right. Enter description here	0						
Total Achievable Points in Innovation = 33+		2						
C. CALIFORNIA CALGreen CODE			Possible Points					
YES	Home meets all applicable CAL Green measures listed in above Sections A - P of the GreenPoint Rated checklist.	Y	R					
<p>The following measures are mandatory in the CALGreen code and do not earn points in the GreenPoint Rated Checklist, but have been included in the Checklist for the convenience of jurisdictions.</p> <p>The GreenPoint Rater is not a code enforcement official. The measures in this section may be verified by the GreenPoint Rater at their own discretion and/or discretion of the building official.</p>								
Yes	1. CALGreen 4.106.2 Storm water management during construction.	Y						
Yes	2. CALGreen 4.106.3 Design for surface water drainage away from buildings.	Y						
TBD	3. CALGreen 4.303.1 As an alternative to prescriptive compliance, a 20% reduction in baseline water use shall be demonstrated through calculation	N						

21216 Bank Mill Road, Saratoga, Ca.		Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Yes	4. CALGreen 4.406.1 Joints and openings. Annular spaces around pipes, electric cables, conduits, or other openings in plates at exterior walls shall be protected	Y						
Yes	5. CALGreen 4.503.1 Gas fireplace shall be a direct-vent sealed-combustion type. Woodstove or pellet stove shall comply with US EPA Phase II emission limits	Y						
Yes	6. CALGreen 4.505.2 Vapor retarder and capillary break is installed at slab on grade foundations.	Y						BD to research
TBD	7. CALGreen 4.505.3 19% moisture content of building framing materials	N						
Yes	8. CALGreen 702.1 HVAC system installers are trained and certified in the proper installation of HVAC systems.	Y						
Total Achievable Points in California Green Code = 0		0						
Summary								
Total Available Points in Specific Categories			35	96+	44	110	56	
Minimum Points Required in Specific Categories		50	0	30	5	6	9	
Total Points Achieved		115	4	47	22	25	17	

Project has met all recommended minimum requirements

- Total Project Score of At Least 50 Points
- Required measures:
 - A3a: 50% waste diversion by weight
 - H10a: Compliance with ASHRAE 62.2 Mechanical Ventilation Standards
 - J2: 15% above Title 24
 - N1: Incorporate GreenPoint Rated Checklist into blueprints
- Minimum points in specific categories:
 - Energy (30 points)
 - IAQ/Health (5 points)
 - Resources (6 points)
 - Water (9 points)

City of Saratoga Planning Division
13777 Fruitvale Ave
Saratoga, CA
95070

June 23, 2008

REFERENCE:

Neighbor Notification Form
Building Project Address:
21216 Bank Mill Road (APN: 503-35-005)

Dear Planning Division:

I have reviewed the house plans and submit the neighbor notification form provided by Mr. AK Sharma in regard to the above referenced property.

I have the following concerns regarding that proposed effort.

1 - The building is greater than three stories and, is over forty eight (48) feet high at the rear of the property. This could be seen from my residence. Their building may create an adverse environmental impact on the value of my property. I would like to see an environmental impact review which would consider the site plan and slope of the land in relationship to the surrounding properties – perhaps a 3D prospective. I would expect the planning division to support the intent of the review, one of supporting privacy and maintaining the atmosphere so natural to Saratoga.

2 - Bank Mill Road has a good mix of homes that are fifty (50) feet from the road and those that are at the bottom or middle of the property. Saratoga living conditions require multiple drivers and automobiles. There is inadequate parking area for guests on this proposed property and others that are 50 feet from the road. This proposed home is in an area where street parking is dangerous owing to three hidden driveways, curving roads and narrow streets. The roads and streets are unsafe, and if parking outside residencies, on public roads, becomes an accepted lifestyle, the unsafe conditions will worsen.

3 - This area is heavily wooded and sustains a variety of native wild life – it is our blessing from God. We must understand we have a stewardship responsibility in maintaining Saratoga's natural beauty. I welcome the Sharma family and wish them the same peace and happiness I have experienced in living in Saratoga and on Bank Mill Road.

Please consider my concerns.

Respectfully submitted,



D. Francis Capatosto
21244 Bank Mill Road

Note: You may distribute a copy of this to the neighbors and/or the Sharma family.

RECEIVED
MAR 10 2009
CITY OF SARATOGA
COMMUNITY DEVELOPMENT

City of Saratoga Planning Division
13777 Fruitvale Ave
Saratoga, CA 95070

March 4, 2009

REFERENCE:

A - Neighbor Notification Form P:/Forms & Procedures/Submittal Requirements Design Review.doc
AK Sharma to D. Capatosto dtd. 06-19-08 for Building Project Address: **21216 Bank Mill Road (APN:
503-35-005)**.

B - Ltr. D. Capatosto to Saratoga Planning Division dtd. June 23, 2008, response to Ref. A.

C - Second Notification form, AK Sharma to D. Capatosto, received 03/04/2009.

Dear Planning Division:

I have reviewed the house plans and submitted the neighbor notification form provided by Mr. AK Sharma for the above referenced property noted in reference A as modified in reference C. My response to reference A was as noted in reference B.

I have the following concerns regarding that proposed effort contained within reference C.

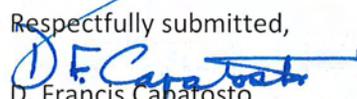
1 - The building (with its attached garage) is greater than three stories and, is over forty three (43) feet high from the top of the garage to the bottom of the rear of the building. This would be seen from my residence. The height of the building with garage will create an adverse environmental impact on the value of my property. Perhaps it would be helpful if the garage were located at the opposite side of the house built at Foyer level 659.4 ft. I would expect the Planning Division to adhere to the intent of the review, protecting the limit on property height, supporting privacy and maintaining the atmosphere so natural to Saratoga.

2 - Bank Mill Road has a good mix of homes that are fifty (50) feet from the road and those that are at the bottom or middle of the downward sloping properties. Saratoga living conditions require multiple drivers and automobiles. There is inadequate parking area for guests on this proposed property and others that are 50 feet from the road. This proposed home is in an area where street parking is dangerous owing to four hidden driveways, curving roads and narrow streets. If parking outside residencies, on Bank Mill Road, becomes an accepted lifestyle the unsafe conditions will worsen. I would suggest that parking on Bank Mill Road not be permitted except for emergency vehicles.

3 - This area is heavily wooded and sustains a variety of native wild life – it is our blessing from God. We must understand we have a stewardship responsibility in maintaining Saratoga's natural beauty. I welcome the Sharma family and wish them the same peace and happiness I have experienced in living in beautiful Saratoga and on Bank Mill Road.

Please consider my concerns.

Respectfully submitted,


D. Francis Capatosto
21244 Bank Mill Road

Note: You may distribute a copy of this to the neighbors and/or the Sharma family.

February 22, 2012

Hello Michael,

I'm writing this letter to provide proof that the neighborhood notification packets were hand delivered to all addresses provided to me by the City of Saratoga. All the packets were personally hand delivered by myself and Ian Carney (project contractor) on Friday, November 18, 2011 between the times of 3pm to 5pm. A follow up letter was sent on December 5, 2011 requesting the home owners acknowledge that the packet was received and they contact us with any questions or concerns. My personal contact was a part of the initial packet, as well as Ian's business card was submitted for any contacts or concerns. Not a single neighbor reached out to us with concerns, except for James Maggard. Since he addressed his concerns, I made a point to get the whole team together at my personal expense (approx. \$2000 just in fees for that one meeting) to hear his concerns and make adjustments where we could to accommodate his concerns. I've attached in this letter, the pictures from the day I hand delivered the documents to the addresses provided to me by the city.

1. 14633 Ambric Knowles
2. 14665 Ambric Knowles
3. 21244 Bank Mill Road (Homeowner & Owner of vacant land APN 503-55-071)
4. 832 Chynoweth Ct., San Jose (owner of vacant land APN 503-55-019)

Please let me know if you further require any documentation from me to fulfill the neighborhood outreach portion of our review.

Thank you

Samir Sharma





