

**APPENDIX B – OBJECTIVE STANDARDS CONSISTENCY ANALYSIS**

The following tables demonstrate the Project’s compliance with all objective zoning and design review standards in both the Saratoga Municipal Code and the Saratoga General Plan. In accordance with SB 35, “in the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.” Gov. Code section 65913.4(a)(5)(B).

In reviewing the Project’s compliance with objective standards, Gov. Code Section 65913.4(b)(3) and amended by AB 1485, states that “a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.” Thus, if a reasonable person would conclude that the Project is consistent with the objective standards presented in this table, the City must find it consistent.

Table B-1 summarizes the Project’s consistency with all applicable objective Saratoga Municipal Code standards, and Table B-2 summarizes consistency with all applicable objective General Plan standards.

**Table B-1: Consistency with Applicable Saratoga Municipal Code Objective Standards**

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<b>Commercial District Requirements (SMC Article 15-19)</b>	
<p><b>15-19.020(a) Permitted uses.</b> The following permitted uses shall be allowed in any commercial district, unless a use involves the operation of a business providing direct customer service (including, but not limited to, conducting a delivery service) on-site between the hours of 1:00 A.M. and 6:00 A.M., in which event such use may be allowed upon the granting of a use permit pursuant to Article 15-55 of this Chapter:</p> <p>(1) Retail establishments, except restaurants, markets, delicatessens, and any establishment engaged in the sale of alcoholic beverages.</p>	<p><b>Consistent.</b> The Project proposes retail/commercial and residential uses.</p>

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<p>(2) Home occupations, conducted in accordance with the regulations prescribed in Article 15-40 of this Chapter.</p> <p>(3) Parking lots which comply with the standards for off-street parking facilities as set forth in Section 15-35.020 of this Chapter.</p> <p>(4) Accessory structures and uses located on the same site as a permitted use.</p> <p>(5) Antenna facilities operated by a public utility for transmitting and receiving cellular telephone and other wireless communications subject to design review under Article 15-44.</p> <p>(6) Markets with a floor area dedicated to food and drink sales that is less than or equal to twenty-five percent of the establishment's total floor area and two thousand square feet or less.</p>	
<p><b>15-19.020(c) Expressly prohibited uses.</b> Without limiting the application of Section 15-05.055(a) of this Chapter, the following uses are expressly declared to be prohibited in all commercial districts:</p> <p>(1) Any use which emits air pollutants, solid or liquid wastes, radioactivity, or other discharge which endangers human health or causes damage to animals, vegetation or property.</p> <p>(2) Any use which creates offensive odor, vibration, glare or electrical disturbance, detectable beyond the boundaries of the site, or creates a hazard of fire or explosion.</p> <p>(3) Any use involving drive-through service, such as restaurants and financial institutions with drive-</p>	<p><b>Consistent.</b> The Project does not propose any of these uses.</p>

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<p>through windows in all commercial districts with the exception of the C-N(RHD) zoning district.</p> <p>(4) Any use involving automotive body work, such as collision repair, painting, dismantling or customizing.</p> <p>(5) Mini-storage facilities.</p> <p>(6) Outdoor sales or storage of motor vehicles.</p>	
<p><b>15-19.0202(d) Location of building sites.</b> The average natural grade of the footprint underneath any structure shall not exceed thirty percent slope, and no structure shall be built upon a slope which exceeds forty percent natural slope at any location under the structure between two five-foot contour lines.</p>	<p><b>Consistent.</b> The grade of the Project site is less than thirty percent slope.</p>
<p><b>15-19.020(e) Setback area.</b> No use shall occupy any required setback area, except fences, walls, hedges, landscaped areas, walks, driveways and parking areas. No required setback area shall be used for a loading area or for storage.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans and explained below, the Project is consistent with all required setbacks and nothing will be present in the setback areas other than walls, fences, hedges, walks, driveways, parking areas, or landscaped areas.</p>
<p><b>15-19.020(f) Screening, landscaping, and fencing.</b></p> <p>(1) Where a site is abutting an R-1 or P-A district, a solid wall or fence six feet in height shall be located along the property line between the two districts, except in a required front setback area, and an area five feet in depth adjoining such property line shall be landscaped and permanently maintained with plant materials suitable for ensuring privacy, screening unsightliness, and insulating adjacent properties against noise.</p> <p>(2) Open storage of materials and equipment shall only be permitted within an area surrounded and</p>	<p><b>Consistent.</b></p> <p>(1) The Project site abuts an R-1 district to the south and southeast. The site also abuts a P-A district for a portion of the western site border. As shown on the Project’s site plans, a pre-existing sound wall approximately seven to eight feet in height is present along the property line bordering the residential neighborhood to the south. A sound wall 6 feet in height is planned for the southeastern property line bordering the single-family home. A solid fence six feet in height will be located along the western site border abutting the office uses. An area five feet in depth along all of these fences will be landscaped and</p>

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<p>screened by a solid wall or fence (with solid gates where necessary) not less than six feet in height; provided, that no materials or equipment shall be stored to a height greater than that of the wall or fence.</p> <p>(3) All outdoor trash containers and garbage areas shall be fully enclosed by a solid wall or fence and solid gates of sufficient height to screen the same from public view. No trash or garbage containers shall be placed or kept within twenty-five feet from the property line of any site occupied with a dwelling unit.</p> <p>(4) Notwithstanding any other provision contained in this subsection (f), the Community Development Director or the Planning Commission may require the installation of a solid fence or wall up to eight feet in height along any property line that abuts a residential district, upon a determination that such fence or wall is necessary to mitigate noise or other adverse impacts of the commercial activity upon the residential use...The design, color and materials of the fence or wall shall be subject to approval by the Community Development Director, based upon a finding that the design, color and materials of the fence or wall will not adversely affect contiguous properties.</p> <p>(5) Required pedestrian open spaces, front setback areas, side setback areas, and not less than fifteen percent of any parking lot area, shall be completely landscaped and permanently maintained.</p> <p>(6) No credit shall be given against any landscaping or open space</p>	<p>permanently maintained.</p> <p>(2) Open storage of materials and equipment will not occur with this Project.</p> <p>(3) As shown on the Project’s site plans, there are no outdoor trash containers or garbage areas.</p> <p>(4) This requirement is not objective and thus does not apply to the Project. However, the preexisting seven to eight foot tall sound wall along the site’s border with the residential neighborhood to the south will remain in place post-Project to reduce the potential for any adverse impacts from the mixed-use development on the neighboring residential uses.</p> <p>(5) As shown on the Project’s site plan, all open spaces, setback areas, and 15% or more of the parking lot area will be completely landscaped and permanently maintained.</p> <p>(6) This subsection does not provide any objective standard that the Project is required to meet.</p> <p>(7) The applicant will maintain all screening or landscaping for the life of the Project.</p> <p>(8) Please see discussion on Article 15-29 below.</p>

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<p>requirements imposed by this Article by reason of adjacent public parking facilities or public rights-of-way.</p> <p>(7) Whenever screening or landscaping is required by the provisions of this Article, or as a condition of any project approval, the owner or occupant of the property shall keep and maintain such screening and landscaping in good condition and repair.</p> <p>(8) Except as otherwise provided in this subsection (f), fences, walls, and hedges must comply with the requirements set forth in Article 15-29 of the code.</p>	
<p><b>15-19.020(g) Signs.</b> No sign of any character shall be erected in any commercial district, except as permitted under the regulations set forth in Article 15-30 of this Chapter.</p>	<p><b>Consistent.</b> All signs will be designed in accordance with Article 15-30. As shown on the Project’s site plans, the Project anticipates one monument sign on Cox Avenue near the commercial uses with the tenant names on the sign. Tenant signs for each commercial use will be located on the building frontage along Cox Avenue. These signs will be 24 inches high and internally illuminated. Colors will be selected by the future tenants with city review. There will also be a monument sign on Cox Avenue for the residential community and a village sign on the corner of Cox Avenue and Paseo Presada. Please see the subsection on Article 15-30 below for more information.</p>
<p><b>15-19.020(h) Off-street parking and loading facilities.</b> Except in the case of a site located within and constituting a part of a City parking district, off-street parking and loading facilities shall be provided for each use on the site, in accordance with the regulations set forth in Article 15-35 of this Chapter.</p>	<p><b>Consistent.</b> Please see discussion regarding parking below.</p>

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<p><b>15-19.020(i) Design review.</b> All structures shall be subject to design review approval in accordance with the provisions of Article 15-46 of this Chapter.</p>	<p><b>Consistent.</b> The Project has submitted the necessary documents for design review. However, this review is limited to objective design review standards per Government Code section 65913.4(a)(5). To the extent issuance of a design review permit requires the exercise of discretion, it may not be required under SB 35.</p>
<p><b>15-19.020(j) Set-up and cleaning of commercial establishments.</b> Set-up and cleaning activities conducted at restaurants and other commercial establishments located immediately adjacent to a residential area, which generate any noise audible to the occupants of the adjacent residences, including noise generated by the operation of delivery or service vehicles, shall not begin prior to one hour before the normal opening time of the establishment or extend later than one hour after the normal closing time of the establishment, or such other times as may be specified in a use permit, license, or other entitlement granted by the City for such establishment.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, the commercial uses are not adjacent to any residential area that is not on the Project site as they are located on the corner of Cox Avenue and Paseo Presada. Nor is it expected that these uses will generate any noise audible to occupants of any nearby residences. No deliveries shall be allowed more than one hour before or one hour after the closing times of the establishments.</p>
<p><b>C-N (Commercial Neighborhood) District Requirements (SMC section 15-19.030)</b></p>	
<p><b>(a) Permitted uses.</b> The following permitted uses shall be allowed in a C-N district: Professional and administrative offices, financial institutions, personal service businesses, religious and charitable institutions, Christmas tree and pumpkin sales lots.</p> <p><b>(b) Conditional uses.</b> The following conditional uses may also be allowed in a C-N district, upon the granting of a use permit pursuant to Article 15-55 of this Chapter. Mixed-use development</p>	<p><b>Consistent:</b> The Project proposes mixed-use development with multi-family dwelling units, which is allowable in the C-N district. As described below, the Project will comply with all objective standards applicable to mixed-use projects under Article 15-58. Per Government Code section 65913.4(a), no CUP is required for the Project.</p>

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conforming to the design standards in Article 15-58.	
<b>(c) Site area.</b> The minimum net site area of any lot shall be 10,000 square feet.	<b>Consistent.</b> The net site area of the Project is 265,502 square feet.
<b>(d) Site frontage, width, and depth.</b> <b>Frontage:</b> 60 feet <b>Width:</b> 60 feet <b>Depth:</b> 100 feet	<b>Consistent.</b> After the Project site is subdivided into two lots, Parcel A will have a frontage of approximately 268 feet, a depth of 627 feet, and a width of 465 feet. Parcel B will have a frontage of approximately 89 feet, a depth of 207 feet, and a width of 84 feet. Both parcels will thus meet the site requirements for the C-N district.
<b>(e) Coverage.</b> The maximum net site area covered by structures shall be sixty percent.	<b>Consistent.</b> Parcel A consists of approximately 107,161 square feet of residential development for coverage purposes on a 256,133 square foot lot, which is 41.8 percent coverage. Parcel B consists of approximately 6,179 square feet of commercial development for coverage purposes on a 16,988 square foot site, which is 36.4 percent coverage.
<b>(f)(1) Front setback.</b> The minimum front setback area of any lot shall be 10 feet except that on a site abutting and fronting on the same street as, or directly across the street from an A, R-1, HR, R-M, or P-A district, the minimum front setback shall be 15 feet.	<b>Consistent.</b> As shown on the Project's site plans, the setback for the commercial building is 15 feet on both Paseo Presada and Cox Avenue and the setback for the residential uses is 25 feet along both Paseo Presada and Cox Avenue.
<b>(f)(2) Side and rear setback areas.</b> No side or rear setback areas shall be required for any lot in a C-N district, subject to the following exceptions: (i) On a reversed corner lot abutting a lot in an A, R-1, or HR district, the minimum exterior side setback area shall be not less than one-half of the required front setback area of the abutting lot.	<b>Consistent.</b> The site abuts an R-1 district to the south and a single-family home to the southeast. Across Cox Avenue is a PA district and across Paseo Presada is an R-1 district. As shown on the Project site plans, there will be setbacks of 25 feet along all borders of the residential lot, including between the residential lot and the commercial lot that will be created by the subdivision map. Required setbacks for the multi-family district, as described

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<p>(ii) Except as otherwise provided in subsection (f)(2)(i) of this Section, on a lot abutting an A, R-1, or HR district, the minimum side setback area or rear setback area abutting such other district shall be thirty feet.</p> <p>(iii) On a lot directly across a street or alley from an A, R-1, or HR district, the minimum side setback area or rear setback area abutting to such street or alley shall be ten feet.</p>	<p>below, are 25 feet. SMC section 15.19.030(j) states “Alternative standards for multi-family dwellings. Notwithstanding any other provision of this Section, where multi-family dwelling units will be located upon a site, the Planning Commission shall apply for such dwellings the development standards set forth in Article 15-17 of this Chapter.” Thus, the requirements in Article 15-17 apply to all multi-family uses on the Project site and supersede the C-N district requirements. The Project is thus consistent with the multi-family dwelling unit standards, which require all setbacks to be 25 feet.</p>
<p><b>(g) Height of structures.</b> The maximum height of any structure in a C-N district shall be twenty feet.</p>	<p><b>Consistent.</b> Structures used for commercial uses are a maximum of 20 feet in height. As described above, the SMC states that the development standards for multi-family dwellings apply to multi-family uses on the Project site. These standards allow for residential structures up to 30 feet in height and the Project is consistent with this requirement.</p>
<p><b>(h) Enclosure of uses.</b> All permitted and conditional uses shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading, gasoline service stations, outdoor dining, nurseries, garden shops and Christmas tree and pumpkin sales lots.</p>	<p><b>Consistent.</b> All uses shall be conducted indoors except for parking and outdoor dining.</p>
<p><b>(i) Screening, landscaping, and fencing.</b> An area not less than five feet along all property lines that abut a street shall be landscaped with plant materials and/or improved with sidewalks or pathways.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, the Project proposes an area of at least five feet of landscaping and/or sidewalks along all property lines of the Project site that abut a street.</p>

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<p><b>(j) Alternative standards for multi-family dwellings.</b> Notwithstanding any other provisions of this Section, where multi-family dwellings will be located upon a site, the Planning Commission shall apply for such dwellings the development standards set forth in Article 15-17 of this Chapter. The density of development shall be as determined in each case by the Planning Commission, based upon its finding that:</p> <p>(1) The project will not constitute overbuilding of the site; and</p> <p>(2) The project is compatible with the structures and density of development on adjacent properties; and</p> <p>(3) The project will preserve a sufficient amount of open space on the site; and</p> <p>(4) The project will provide sufficient light and air for the residents of the site and the occupants of adjacent properties.</p>	<p><b>Consistent.</b> As described below, the Project is consistent with the multi-family dwelling development standards in Article 15-17. The applicable density of the Project is as allowed in the multi-family districts, for the reasons described below, as SB 35 precludes any subjective or discretionary standards from being applied to the Project and thus the Planning Commission cannot make a discretionary decision to determine the density of the Project.</p>
<p><b>Mixed-Use Development Standards (SMC section 15-58.020)</b></p>	
<p><b>(a) Density.</b> The maximum density is 20 dwelling units per net acre.</p>	<p><b>Consistent.</b> The project proposes 91 units over 6.095 acres, which is less than 20 dwelling units per acre.</p>
<p><b>(b)</b> Only commercial uses on ground floor abutting a street. Dwelling units may be located in all other portions of the structure.</p>	<p><b>Consistent with granted concession/incentive under State Density Bonus Law.</b> The Project proposes dwelling units on the ground floor along parts of both Cox Avenue and Paseo Presada. With the concession/incentive that the Project is entitled to under the State Density Bonus Law, the Project is exempt from this requirement and thus consistent. Please see Appendix G – Density Bonus Application, for a further discussion of this concession/incentive.</p>

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<b>(d)</b> Parking for both the nonresidential use and the dwelling unit(s) shall be as specified in Article 15-35 of this Chapter, provided that the Planning Commission approved shared parking if it determines that it will not result in adverse impacts on adjacent uses.	<b>Consistent.</b> Please see the discussion of parking below.
<b>(e)</b> Perimeter fencing shall be required to conform with Article 15-29 of the code.	<b>Consistent.</b> See the discussion regarding Article 15-29 below.
<b>(f)</b> Each dwelling shall have private, usable outdoor space, including but not limited to, decks, balconies, yards, or patios.	<b>Consistent.</b> As shown on the Project’s site plans, each unit will have either private yard space, patios, or balconies.
<b>(g)</b> The maximum height of a mixed-use structure shall be as it is stated in the underlying zoning district.	<b>Consistent.</b> See discussion of maximum height in C-N district above.
<b>(h)</b> Overall site coverage may be increased by up to 10 percent of the maximum allowed in the Zoning District for projects containing at least 10 percent of the units deed restricted to below market rate housing units.	<b>Consistent.</b> See discussion of site coverage in C-N district above and in the multi-family district below.
<b>(i)</b> Mixed-use projects shall have sound walls and landscape screening in order to protect the privacy and quality of life of abutting single-family residential land uses.	<b>Consistent.</b> As shown on the Project’s site plans, a sound wall six feet in height will be installed along the Project site’s border with the single-family home to the southeast of the site and the existing seven to eight foot tall sound wall bordering the residential neighborhood to the south will remain in place. As required by the SMC, a five-foot landscape buffer is also proposed between the project and all adjacent uses. See also the requirements for fences/walls between the project and the residential community to the south discussed in the C-N district above.
<b>(j)</b> The residential component of a mixed-use project shall be rental and/or owner occupied.	<b>Consistent.</b> The units will be rental and/or owner occupied.

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<p><b>(k)</b> Projects with multiple stories shall be reviewed to ensure that design features such as setbacks and window placement provide adequate privacy protection.</p>	<p><b>Consistent.</b> The Project has submitted the necessary documents for design review. However, this review is limited to objective design review standards per Government Code section 65913.4(a)(5).</p>
<p><b>(m)</b> In larger mixed-use projects (more than twenty dwelling units), either the developer must pay an in-lieu fee for park construction or construct common, usable open space on site at the discretion of the Planning Commission based on the vicinity of existing public parks.</p>	<p><b>Consistent.</b> The project proposes an accessible, open space area and common, useable open space in the commercial plaza area and a pocket park. This requirement is arguably discretionary, but SHP Quito Village LLC will pay any legally mandated in-lieu park fees to be determined by the City at a later date.</p>
<p><b>R-M: Multi-Family District Requirements (SMC Article 15-17)</b></p>	
<p><b>15-17.040 Site area for corner lots.</b>  R-M-3,000: 14,000 square feet  R-M-4,000: 14,000 square feet  R-M-5,000: 11,000 square feet</p>	<p><b>Consistent.</b> The net Project site is 273,121 square feet. The net area of Parcel A is 256,133 square feet.</p>
<p><b>15-17.050 Site density.</b>  R-M-3,000: 3,000 square feet per dwelling unit  R-M-4,000: 4,000 square feet per dwelling unit  R-M-5,000: 5,000 square feet per dwelling unit</p>	<p><b>Consistent.</b> SB 35 states that a project is consistent with objective zoning standards if the density proposed is compliant with the maximum density allowed within the land use designation. Gov. Code section 65913.4(A)(5)(A). Thus, the applicable density for the Project site if calculated based on the multi-family residential density standards is one dwelling unit per 3,000 square feet, or 88 units. With a density bonus pursuant to the State Density Bonus law, as explained in the Project Description, 117 units are allowed on the Project site, which is consistent with the Project’s proposed 91 units.</p>
<p><b>15-17.051 Location of building sites.</b>  The average natural grade of the footprint underneath any structure shall not exceed thirty percent slope, and no structure shall be built upon a slope which exceeds forty percent</p>	<p><b>Consistent.</b> As described above, the natural grade of the Project site is less than thirty percent.</p>

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natural slope at any location under the structure between two five-foot contour lines.	
<p><b>15-17.060 Site Frontage, Width, and Depth.</b>  <b>Frontage:</b> 60 feet  <b>Width:</b> 100 feet  <b>Depth:</b> 115 feet</p>	<p><b>Consistent.</b> After the Project site is subdivided, Parcel A (the residential parcel) will have a frontage of approximately 268 feet, a depth of 627 feet, and a width of 465 feet.</p>
<p><b>15-17.070 Site coverage.</b> The maximum net site area covered by structures is forty percent.</p>	<p><b>Consistent.</b> The residential portion of the Project, or Parcel A, consists of approximately 107,161 square feet of development for coverage purposes on a 256,133 square foot site, which is 41.8 percent coverage. However, the mixed-use development standards in SMC section 15.58-020(h) allow for overall site coverage to be increased by up to 10 percent of the maximum allowed in the Zoning District for projects containing at least 10 percent of the units deed restricted to below market rate housing units. Because the Project would include 10% very low-income units, maximum site coverage is 50 percent and the Project is consistent.</p>
<p><b>15-17.080 Front setback.</b> Minimum of 25 feet.</p>	<p><b>Consistent.</b> As explained above, the front setback is 25 feet for the residential buildings.</p>
<p><b>15-17.080 Side setback.</b> Minimum of 10% of site width, except that a side setback area of more than twenty-five feet from the applicable side lot line shall not be required and a side setback of less than ten feet from the applicable side lot line shall not be permitted subject to the following exceptions:</p> <ul style="list-style-type: none"> <li>• The exterior side setback area of a corner lot shall be not less than fifteen feet from the exterior side lot line.</li> <li>• One foot shall be added to an interior side setback area for each two feet of height or</li> </ul>	<p><b>Consistent.</b> The setbacks of all portions of the residential parcel are 25 feet.</p> <p>As explained above, under the SMC, the multi-family requirements apply to all residential uses on the project site and thus the Project’s setbacks are consistent with applicable requirements.</p>

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<p>fraction thereof by which a portion of a structure within thirty feet of the side lot line for such setback area exceeds fourteen feet in height; provided that an interior side setback area of more than twenty-five feet from the interior side lot line shall not be required.</p>	
<p><b>15-17.080 Rear setback.</b> 25 feet.</p>	<p><b>Consistent.</b> The rear setback is 25 feet. As explained above, under the SMC, the multi-family requirements apply to all residential uses on the project site.</p>
<p><b>15-17.080(c)</b> No structure used for human habitation and no structure containing machinery or other fixed equipment capable of creating noise audible outside of the structure shall be located closer than five feet from a side or rear property line.</p>	<p><b>Consistent.</b> See setbacks described above. All setbacks are greater than five feet.</p>
<p><b>15-17.090(a) Height of structures.</b> No structure shall exceed thirty feet in height.</p>	<p><b>Consistent:</b> As shown on the Project’s site plans, no structure is greater than 30 feet in height. As explained above, the multi-family design standards apply to all multi-family uses on the project site and thus the Project is consistent with height requirements.</p>
<p><b>15-17.090(b) Height of structures.</b> No structure shall exceed two stories; provided, however, this restriction shall not apply to a structure located within the Village which is found by the approving authority to be compatible with existing structures and the natural environment.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, the Project proposes two story townhome structures with mezzanines. The SMC defines story as “that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between the floor and the ceiling or roof next above.” SMC section 15-06.655. Based on this definition, the first story is from the surface of the garage level to the ceiling of the second level, while the second story is from the surface of the second level to the roof and encompasses the mezzanine</p>

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	<p>area. This is because the California Building Code defines mezzanine as an intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. CA Building Code section 201. The California Building Code states that a mezzanine is considered a portion of the story below and shall not contribute to either the building area or number of stories. CA Building Code section 505.2. Because the mezzanine is not a story as defined in the California Building Code, the measurement for the second story is from the surface of the floor (the second level) to the ceiling above (as there is no surface of the floor next above because the mezzanine is not a floor). Thus, the Project is consistent with the two-story maximum height requirement.</p>
<p><b>15-17.100(a) Distance between structures.</b> When there is more than one structure on a site, the minimum distance between a structure used for human habitation and another structure shall be ten feet.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, no structure used for human habitation will be closer than ten feet to another structure.</p>
<p><b>15-17.100(b) Distance between structures.</b> No structure used for human habitation shall be located closer than twenty feet to any other structure used for human habitation on the same site.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, no two structures used for human habitation will be closer than twenty feet.</p>
<p><b>15-17.110 Accessory uses and structures.</b> Accessory uses and structures shall comply with the special rules as set forth in Section 15-80.030 of this Chapter.</p>	<p><b>Consistent.</b> The Project does not propose any accessory uses or structures.</p>
<p><b>15-17.120 Fences, walls, and hedges.</b> Fences, walls, and hedges shall comply with the requirements in Article 15-29.</p>	<p><b>Consistent.</b> As described below, all fences, walls, and hedges will be consistent with the requirements in</p>

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	Article 15-29.
<p><b>15-17.130 Signs.</b> No sign of any character shall be erected or displayed in an R-M district, except as permitted under the regulations set forth in Article 15-30 of this Chapter.</p>	<p><b>Consistent.</b> All signs will comply with Article 15-30.</p>
<p><b>15-17.140 Off-street parking and loading facilities.</b> Off-street parking and loading facilities shall be provided for each use on the site, in accordance with the regulations set forth in Article 15-35 of this Chapter.</p>	<p><b>Consistent.</b> Please see the discussion of parking below.</p>
<p><b>15-17.150 Design review.</b> All structures shall be subject to design review approval in accordance with the provisions of Article 15-46 of this Chapter.</p>	<p><b>Consistent.</b> The Project has submitted the necessary documents for design review. As shown below, the Project complies with all objective design review standards for multi-family dwellings. Design review is limited to objective standards per Government Code section 65913.4(a)(5). To the extent issuance of a design review permit requires the exercise of discretion, it may not be required under SB 35.</p>
<p><b>15-17.160 Storage of personal property and materials.</b> The regulations and restrictions set forth in Section 15-12.160 of this Chapter, pertaining to the storage of certain items of personal property, shall apply to the R-M districts and the same are incorporated herein by reference.</p>	<p><b>Consistent.</b> SHP Quito Village LLC will ensure that property owners and renters adhere to the storage requirements in the SMC.</p>
<p><b>Design Review: Multi-Family Dwellings (SMC Article 15-46)</b></p>	
<p><b>15-46.040 Design review findings.</b> The Planning Commission shall not grant design review approval unless it is able to make the following findings: (a) Where more than one building or structure will be constructed, the architectural features and landscaping thereof shall be harmonious. Such features include</p>	<p><b>Consistent.</b> The Project has submitted the necessary documents for design review. However, this review is limited to objective design review standards per Government Code section 65913.4(a)(5). To the extent issuance of a design review permit requires the exercise of discretion, it may not be required under SB 35. (a) This section does not contain</p>

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<p>height, elevations, roofs, material, color and appurtenances.</p> <p>(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.</p> <p>(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.</p> <p>(d) Colors of wall and roofing materials shall blend with the natural landscape and be nonreflective.</p> <p>(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.</p> <p>(f) The proposed development shall be compatible in terms of height, bulk and design with other structures in the immediate area.</p>	<p>objective standards and thus does not apply. However, the Project’s site plans and renderings show that the buildings, architectural features, and landscaping of the Project will be harmonious and fit into the existing landscape of the area.</p> <p>(b) This section does not contain objective standards and thus does not apply. However, the Project’s signs will have compatible designs and will be harmonious in appearance so as to be pleasant to view.</p> <p>(c) The Project’s site and landscaping plans demonstrate that the landscaping will integrate and accommodate existing trees and vegetation to be preserved and make use of water-conserving plants, materials, and irrigation systems to the extent feasible. Plants will be clustered in natural appearing groups. The Project will comply with the water efficiency standards in the SMC.</p> <p>(d) The Project colors on walls and roofing will be nonreflective and blend with the surrounding natural landscape.</p> <p>(e) This section does not contain objective standards and thus does not apply. However, the Project’s roofs will be made of one of the listed materials. No mechanical equipment shall be located upon roofs or will be screened.</p> <p>(f) This section does not contain objective standards and thus does not apply. However, the two-story height of the project is consistent with other structures in the immediate area which include one- and two-story single-family homes and two-story office buildings abutting almost half of the</p>

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	site.
<p><b>15-46.055 Required improvements.</b> The design criteria specified in Section 15-46.040 may be made subject to conditions reasonably related to the project and to the findings required for approval. Conditions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Construction or repair of curb, gutters and sidewalks.</li> <li>(b) Water or sewer main extensions.</li> <li>(c) Storm drain installation.</li> <li>(d) Dedication of property or easements for utilities, street lighting, public right-of-way, trails, etc.</li> <li>(e) Installation of street trees.</li> <li>(f) Completion of street widening paving to property line.</li> <li>(g) Repair or reconstruction of street paving prior to the issuance of a certificate of occupancy.</li> <li>(h) Undergrounding of existing overhead utility lines from closest exiting distribution pole to the new structure.</li> <li>(i) Improvements to water delivery systems as required by the Fire District or Water Company to ensure both adequate domestic and fire flow.</li> <li>(j) Installation of fire hydrants as required by the Fire District having jurisdiction.</li> </ul>	<p><b>Consistent.</b> The Project has submitted the necessary documents for design review. However, this review is limited to objective design review standards per Government Code section 65913.4(a)(5). Because this section qualifies the conditions with the term “may”, these conditions are not objective standards and thus they do not apply to the Project. However, SHP Quito Village LLC will construct improvements necessary to meet objective City requirements.</p>
<b>Off-Street Parking and Loading Facilities (Article 15-35)</b>	
<p><b>15-35.020 General requirements and regulations for off-street parking spaces.</b></p> <p><b>(a) Off-street parking requirements:</b> At the time of initial occupancy of a site or structure or at the time of an alteration or</p>	<p><b>Not Applicable due to SB 35.</b> (a), (c), (d), (f) SB 35 prohibits jurisdictions from imposing parking</p>

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<p>enlargement of a site or structure, there shall be provided off-street parking spaces as prescribed in Section 15-35.030.</p> <p><b>(c) Multiple uses:</b> If more than one use is located on a site or structure, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this Article for each use.</p> <p><b>(d) Common parking facilities:</b> The off-street parking requirements of this Article may be satisfied by a common parking facility; provided, that the total number of spaces shall be not less than the sum of the individual requirements, and provided further, that a contract between the parties setting forth the agreement for joint use of a common parking facility is recorded in the office of the County Recorder and a certified copy filed with the City.</p> <p><b>(f) Additional requirements:</b> The Planning Commission may require that off-street parking spaces in excess of the number prescribed in Section 15-35.030 be provided for use on a site or structure, if the Commission finds that such additional spaces are necessary to avoid traffic congestion or shortage of curb spaces.</p> <p><b>(h) Location of Parking:</b> In all districts except a C-H district, the off-street parking spaces prescribed in Section 15-35.030 shall be located on the same site as the use for which the spaces are required, or on an adjacent site or a site separated only by an alley from the use for which the spaces are required. In a C-H district, the off-street parking spaces may be</p>	<p>requirements on developments in the following instances:</p> <ul style="list-style-type: none"> <li>• The development is located within one-half mile of public transit.</li> <li>• The development is located within an architecturally and historically significant historic district.</li> <li>• When on-street parking permits are required but not offered to the occupants of the development.</li> <li>• When there is a car share vehicle located within one block of the development.</li> </ul> <p>For all other SB 35 projects, jurisdictions cannot impose parking standards that exceed 1 space per unit.</p> <p>As the Project's site plans show, the Project provides approximately 53 surface parking spaces and 182 spaces in garages attached to the townhomes for a total of 235 parking spaces for the 91 units and 4,999 square feet of commercial space.</p> <p>Because the Project is within ½ mile of a bus stop on Saratoga Avenue and Cox Avenue, the City may not apply any parking standards to the Project under SB 35. In any event, the Project complies with the SB 35 limit that jurisdictions cannot impose parking standards for streamlined developments pursuant to SB 35 that</p> <p>(h) All off-street parking will be on-site.            (i) No more than 25% of the parking spaces for the Project are compact parking spaces (14 of 53).            (j) No vehicle repairs will be allowed in the parking areas.</p>

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<p>located on or off site as permitted in Section 15-35.035.</p> <p><b>(i) Compact parking spaces:</b> With respect to any site or structure located within a C-N, C-V, C-H, P-A, R-M or MU-PD district, no more than twenty-five percent of the number of required off-street parking spaces may consist of compact parking spaces. If, in the application of this subsection, a fractional number is obtained, one compact parking space may be provided for a fraction of more than one-half and one standard parking space shall be provided for a fraction of one-half or less.</p> <p><b>(j) No vehicle repair:</b> No repair work or servicing of vehicles shall be conducted in any parking area.</p>	
<p><b>15-35.030 Schedule of off-street parking spaces.</b></p> <p>(c) Multi-family residential uses: 1 covered space within a garage for each dwelling unit plus 1.5 additional spaces on the site for each dwelling unit, except that for one-bedroom units only 1 covered space is required.</p> <p><b>15-35.035 Schedule of off-street parking spaces for C-H District.</b></p> <ul style="list-style-type: none"> <li>• Retail Establishments: 1 space per 200 square feet of floor area</li> <li>• Restaurants: 1 space per 75 square feet of floor area</li> </ul>	<p><b>Not applicable due to SB 35.</b> See above.</p>
<p><b>15-35.040 Design standards for off-street parking facilities.</b> Off-street parking facilities shall comply with the following standards:</p> <p>(a) Each standard parking space shall be not less than 18 feet in length and 9 feet, 6 inches in width, exclusive of aisles and access drives. The spaces shall be marked by double strips 2 feet</p>	<p><b>Consistent.</b></p> <p>(a), (b), (c), (k) As demonstrated in the Project’s site plans, the parking spaces will meet the design standards of the SMC.</p> <p>(d) This subsection is not applicable as the Project is not in a single-family residential district.</p>

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<p>apart and the width of each space shall be measured from center to center of the double strips.</p> <p>(b) Each compact parking space shall be not less than 16 feet in length and 8 feet in width, exclusive of aisles and access drives; provided, however, when spaces are marked by double strips 2 feet apart, the width of each compact parking space may be not less than 7 feet, 6 inches as measured from center to center of the double strips.</p> <p>(c) Sufficient room for turning and maneuvering shall be provided on the site.</p> <p>(d) The width of the driveway within a single-family residential district shall be a minimum of twelve feet or greater, as required by the Fire District having jurisdiction. The width of the driveway in all other zoning districts shall be as required by the Fire District having jurisdiction.</p> <p>(e) Each parking space shall be accessible from a street or alley, independent of any other parking space.</p> <p>(f) Entrances and exits shall be provided at locations approved by the City.</p> <p>(g) The parking area, aisles and access drives shall be designed, paved, graded and drained in accordance with applicable City construction standards, subject to approval by the City Engineer.</p> <p>(h) Bumper rails shall be provided where needed for safety or to protect property, as prescribed by the City Engineer.</p> <p>(i) If the parking area is illuminated, lighting shall not exceed 100-foot</p>	<p>(e) All parking spaces are accessible from the Project's interior driveways.</p> <p>(f) This section does not contain objective standards and thus it does not apply to the Project. Nevertheless, the Project will have two entrances/exits on Cox Avenue which will provide adequate circulation and access for the site. Please see Appendix F – Traffic Impact Analysis for information about the Project's access and circulation.</p> <p>(g) As shown on the Project's site plans, the parking area, aisles and access drives will be designed, paved, graded and drained in accordance with applicable City construction standards.</p> <p>(h) This standard is not objective and thus does not apply.</p> <p>(i) The Project proposes some lighting along the interior driveways in locations where they help illuminate pedestrian crossing areas, next to the commercial parking areas, and at corners. This lighting shall not exceed 100-foot lamberts and shall be deflected away from adjoining residential sites.</p> <p>(j) As shown on the Project's site plans, there are landscaped areas between all neighboring properties and Project parking areas.</p> <p>(k) As shown on the Project's site plans, the garage dimensions will meet this requirement.</p>

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<p>lamberts and shall be deflected away from adjoining residential sites so as to cause no annoying glare.</p> <p>(j) Where a parking area is located adjacent to, or directly across a street or alley from, an A, R-1, HR or R-M district, a landscaped strip not less than five feet in depth shall be planted and permanently maintained along the property line with plant materials not less than five feet in height; except, that within fifty feet from a street intersection, as measured from intersecting curblines or intersecting edges of the street pavement where no curb exists, the plant materials shall not exceed three feet in height above the established grade of the adjoining street.</p> <p>(k) Where residential parking is located in a garage, the dimensions of the required parking spaces shall be not less than eighteen feet in length and nine feet, six inches in width.</p>	
<p><b>15-35.045 Schedule of bicycle parking.</b> Off-street bicycle parking for new development shall be provided in accordance with the following schedule:</p> <ul style="list-style-type: none"> <li>• 1 space per 2,000 square feet for retail establishments</li> </ul>	<p><b>Consistent.</b> As shown on the Project’s site plans, there is bicycle rack parking near the commercial portion of the development. This parking will provide an open bike rack with four spaces to meet the requirement for the 4,999 square feet of commercial uses in the Project.</p>
<p><b>15-35.050 General requirements and regulations for off-street loading spaces.</b></p> <p>(a) At the time of initial occupancy of a site or structure or of a major alteration or enlargement of a site or structure, there shall be provided off-street loading spaces prescribed in Section 15-35.060.</p>	<p><b>Consistent.</b></p> <p>(a), (c), (d), (e), (f), (g) Because the commercial uses will be less than 5,000 square feet, no off-street loading space is required.</p> <p>(b), (h) These requirements are not objective and thus do not apply to the Project.</p>

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<p>(b) Off-street loading spaces in addition to those prescribed in Section 15-35.060 shall be provided if the Planning Commission finds that such additional spaces are necessary to ensure that trucks will not be loaded, unloaded or stored on public streets. A finding of the Commission shall be based on an investigation of the anticipated frequency of truck pick-ups and deliveries and of the truck storage requirements of the use for which the off-street loading spaces are required</p> <p>(c) If, in the application of the requirements of this Article, a fractional number is obtained, one loading space shall be provided for a fraction of one-half or more, and no loading space shall be required for a fraction of less than one-half.</p> <p>(d) If more than one use is located on a site, the number of loading spaces provided shall be equal to the sum of the requirements prescribed in this Article for each use. If more than one use is located on a site and the floor area of each use is less than the minimum for which loading spaces are required but the aggregate floor area is greater than the minimum for which loading spaces are required, off-street loading spaces shall be provided as if the aggregate floor area were used for the use requiring the greatest number of loading spaces.</p> <p>(e) The off-street loading requirements of this Article may be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common truck loading facility; provided, that the total number of spaces shall not be</p>	

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<p>less than the sum of the individual requirements, and provided further, that a contract between the parties concerned, setting forth an agreement for joint use of a common truck loading facility is recorded in the office of the County Recorder and a certified copy thereof is filed with the City.</p> <p>(f) Where loading facility requirements are determined by floor area, such area shall not include enclosed or covered areas used for off-street parking or loading or interior courts of a building not occupied by a use for which off-street loading spaces are required, but such floor area shall include any exterior balcony used as the sole means of access to a business establishment and any basement, or portion thereof, occupied by a use for which off-street loading spaces are required.</p> <p>(g) Off-street loading spaces shall be located on the same site as the use for which the loading spaces are required or on an adjacent site.</p> <p>(h) The Planning Commission or the Community Development Director may require off-street loading facilities to be provided for a use not specifically listed in Section 15-35.060 if the Commission or the Director determines that such facilities are necessary or appropriate.</p>	
<p><b>15-35.060 Schedule of off-street loading spaces.</b></p> <p>(b) Retail establishments, restaurants less than 5,000 square feet require 0 spaces.</p>	<p><b>Consistent.</b> The Project proposes 4,999 square feet of commercial uses which means no off-street loading space is required.</p>

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<p><b>15-35.070 Design standards for off-street loading facilities.</b> Off-street loading facilities shall comply with the following standards:</p> <p>(a) Each loading space shall be not less than forty-five feet in length and twelve feet in width, and shall have an overhead clearance of not less than fourteen feet, except, that for mortuaries, a loading space used exclusively for hearses shall be not less than twenty-four feet in length and ten feet in width and shall have an overhead clearance of not less than eight feet.</p> <p>(b) Sufficient room for turning and maneuvering vehicles shall be provided on the site.</p> <p>(c) Each loading space shall be accessible from a street or alley, independent of any other loading or parking spaces.</p> <p>(d) Entrances and exits shall be provided at locations approved by the City.</p> <p>(e) The loading area, aisles and access drives shall be paved, graded and drained in accordance with applicable City construction standards, subject to approval by the City Engineer.</p> <p>(f) Bumper rails shall be provided where needed for safety or to protect property, as prescribed by the City Engineer.</p> <p>(g) If the loading area is illuminated, lighting shall not exceed one hundred foot lamberts and shall be deflected away from adjoining residential sites so as to cause no annoying glare.</p> <p>(h) A loading area shall not be located in a required front, side or rear setback area, and shall be screened</p>	<p><b>Consistent.</b> As explained above, no off-street loading space is required.</p>

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<p>from adjoining sites by a solid wall or fence or vine-covered fence not less than six feet in height.</p>	
<p><b>15-35.080 Reduction in off-street parking or loading facilities.</b> No off-street parking facility or off-street loading facility shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this Article.</p>	<p><b>Consistent.</b> As explained above, no off-street loading space is required.</p>
<p><b>15-35.090 Off-street parking and loading facilities to serve one site.</b> No off-street parking space or off-street loading space provided for a use of land or a structure in compliance with the requirements of this Article shall be deemed to provide an off-street parking space or an off-street loading space for a use or a structure on another site, except as otherwise provided in Sections 15-35.020 and 15-35.050.</p>	<p><b>Consistent.</b> As explained above, no off-street loading space is required.</p>
<p><b>15-35.110 Use for advertising prohibited.</b>            (a) No off-street parking or loading facility related to any commercial use in any zoning district shall be used for the stopping, standing or parking of any vehicle for the purpose of advertising such vehicle or any other property or services for sale, or displaying any such vehicle for sale.            (b) No off-street parking space, driveway or front setback area in any residential district shall be used for the stopping, standing or parking of any vehicle for the purpose of advertising such vehicle or any other property or services for sale, or displaying any such vehicle for sale; except, that the occupant of such</p>	<p><b>Consistent.</b> No off-street parking facilities, driveways, or front setback areas will be used for advertising.</p>

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<p>property may park one vehicle owned by such occupant, displayed for sale and bearing a sign not exceeding two square feet in area restricted to the sale of the vehicle upon which it is posted.</p>	
<p><b>Fences (Article 15-29)</b></p>	
<p><b>15-29.010(a) General Regulations.</b> A building permit shall be required for any solid fence more than six feet in height.</p> <p><b>(a)(1) Solid Fences.</b> Except as otherwise specified in this Article, no solid fence shall exceed six feet in height. However, up to two feet of lattice (or similar material) that is at least twenty-five percent open to the passage of light and air may be added to the top of a solid fence. A solid fence taller than six feet shall not be permitted unless approved by the Planning Commission through the exception process detailed in Section 15-29.090, or approved by the Community Development Director pursuant to Sections 15-29.030, 15-29.040, or 15-29.050 of this Chapter.</p> <p><b>(a)(2) Open Fences.</b> Except as otherwise specified in this Article, open fencing, such as wrought iron, wire material, split rail, chain link, or other similar fencing shall not exceed eight feet in height. With the exception of chain link fencing, open fencing shall have openings sufficient to allow the unobstructed passage of a sphere having a diameter of four inches. For chain link fencing, the opening shall be two inches at minimum and no slats are allowed in any opening.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, no new fences will be more than six feet in height and thus building permits are not required.</p> <p>(a)(1) As shown on the Project’s site plans, the existing sound wall on the southern site border is a seven to eight foot high wall but will not be modified by the Project and thus no approval is required. There is a sound wall planed along the southeast border with the single-family home which will be six feet. The Project will also construct a solid fence along the western site border that will be six feet tall with approximately one foot of lattice-type material added on the top of the fence.</p> <p>(a)(2) There are no open fences planned for the Project.</p> <p>(b) There are no fences over three feet high in the front setback area.</p> <p>(c) This requirement is not applicable as the Project site is not a reversed corner lot.</p> <p>(d) As shown on the Project’s site plans, all fences comply with the requirements of this Chapter. There are no wrought iron entrance gates, or safety railing, and Arbors and trellises will not be located in the front setback areas. Subsection (4) does not apply to this Project.</p>

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<p><b>(b) Front setback area.</b> No fence located within any required front setback area shall exceed three feet in height.</p> <p><b>(c) Exterior side setback area of reversed corner lots.</b> No fence located within any required exterior side setback area of a reversed corner lot shall exceed three feet in height.</p> <p><b>(d) Exceptions.</b> The height limitations do not apply to the following circumstances:</p> <p>(1) Wrought iron entrance gates within the front setback area, designed with openings to permit visibility through the same, may extend to a height not exceeding five feet, and shall be located a minimum of twenty feet from the edge of street pavement.</p> <p>(2) Safety railings that are required by the California Building Code shall be excluded from the height requirements of this Section.</p> <p>(3) Pedestrian entryway elements, such as arbors and trellises, when attached to a fence within a front setback area or within an exterior side setback area, may be permitted to a maximum height of eight feet, a maximum width of five feet, and a maximum depth of five feet.</p> <p>(4) On any lot where the front setback area, or a portion thereof, of the subject property: (1) does not have street frontage as defined by Section 15-06.290; and (2) the front lot line, or a portion thereof, of the subject property abuts the side or rear setback area of an abutting property, the maximum permitted fence height for a side or rear setback</p>	<p>(e) As shown on the Project’s site plans, there are no fences or hedges signs or similar elements planned 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, that would exceed three feet in height above the established grade of the adjoining street.</p> <p>(f) As shown on the Project’s site plans, there are no fences or hedges or signs or similar elements planned within a triangle having sides twelve feet in length from either side of a driveway where it intersects with edge of pavement, that would exceed three feet in height above the established grade of the adjoining street.</p> <p>(g) No fences, hedges, signs, or retaining walls will constitute obstructions to vehicles.</p> <p>(i) No pilasters will extend more than two feet above the applicable height limit of the fence.</p>

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<p>area shall be permitted within the front setback area of the subject property where it abuts the side or rear setback area of an abutting property.</p> <p><b>(e) Street intersections.</b> No fence, hedge, retaining wall, entryway element, pilaster, gate, or other similar element 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, shall exceed three feet in height above the established grade of the adjoining street.</p> <p><b>(f) Driveway intersections.</b> No fence, hedge, retaining wall, entryway element, pilaster, gate, or other similar element located within a triangle having sides twelve feet in length from either side of a driveway where it intersects with edge of pavement shall exceed three feet in height above the established grade of the adjoining street. Protected trees described in Section 15-50.050 of this Code are not subject to this requirement.</p> <p><b>(g) Vehicular obstructions.</b> No fence, hedge, retaining wall, entryway element, or any other similar element shall constitute an obstruction as provided for in City Code Section 10-05.030.</p> <p><b>(i) Pilasters.</b> Pilasters constituting a part of a fence, in reasonable numbers and scale in relationship to the nature and style of the fence, may extend to a height of not more than two feet above the height limit applicable to the fence containing such pilasters, but in no case shall the height of pilasters exceed eight feet. If pilasters within the front setback</p>	

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<p>area are attached to a wrought iron entrance gate, the pilasters are permitted to a maximum height of seven feet.</p>	
<p><b>15-29.060 Barbed wire and electrified wire prohibited.</b> No fence constructed or installed within the City shall contain barbed or electrified wire unless approved by the Planning Commission, based upon a finding that the barbed or electrified wire is necessary for security purposes and that measures will be taken, when appropriate, to mitigate any adverse impacts of such wire.</p>	<p><b>Consistent.</b> The Project does not propose any barbed wire or electrified wire.</p>
<p><b>Signs (Article 15-30)</b></p>	
<p><b>15-30.030. General Provisions.</b></p> <p><b>(a) General compliance.</b> 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.</p> <p><b>(b) Construction standards.</b> 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.</p> <p><b>(c) Street intersections.</b> 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)</p>	<p><b>Consistent.</b> The Project anticipates one monument sign on Cox Avenue near the commercial uses with the tenant names on the sign. Tenant signs for each commercial use will be located on the building frontage along Cox Avenue. These signs will be 24 inches high and internally illuminated. Colors will be selected by the future tenants with city review. There will also be a monument sign on Cox Avenue for the residential community.</p> <p>(a) All Project signs will be in compliance with the regulations set forth in Article 15-30 and the SMC.</p> <p>(b) The signs will be constructed in accordance with the California Building Code.</p> <p>(c) No signs proposed for the Project that are more than three feet in height will be located within a triangle having sides fifty feet in length from a street intersection.</p> <p>(d) No signs proposed for the Project exceeding three feet in height shall be located within a triangle having sides</p>

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<p>unless otherwise approved by the City.</p> <p><b>(d) Driveway intersections.</b> 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.</p> <p><b>(e) Site restriction.</b> 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 noncommercial messages.</p> <p><b>(f) Multiple uses on same site.</b> 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 other uses on the site.</p> <p><b>(g) Reduction of sign area, height, type, and number.</b> 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</p>	<p>twelve feet in length from either side of a driveway where it intersects with edge of pavement. The monument sign for the residential development will be outside of this triangle.</p> <p>(e) The Project’s commercial signs will be located on the same site as the commercial uses.</p> <p>(f) The SMC has a limitation for the area of signage for multifamily dwellings. The Project’s one sign for residential use will not exceed that limitation.</p> <p>(g) This is not an objective standard and thus does not apply to the Project. The City’s sign review is limited to objective design review standards per Government Code section 65913.4(a)(5). To the extent issuance of a sign permit requires the exercise of discretion, it may not be required under SB 35. The Project’s signs will comply with the objective standards in Article 15-30.</p> <p>(h) The Project signs are consistent with this requirement.</p> <p>(i) SHP Quito Village LLC shall maintain all signs in accordance with this subsection.</p>

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<p>consider the content of the proposed sign in making this finding.</p> <p><b>(h) Legibility.</b> All signs shall be legible under normal viewing conditions.</p> <p><b>(i) Maintenance of signs.</b></p> <p>(1) All signs shall be maintained in a secure and safe condition.</p> <p>(2) All signs shall be kept free of rust, corrosion, peeling paint, cracks, fading, torn and tattered materials, or other surface deterioration.</p> <p>(3) Illuminated signs shall function as designed and permitted.</p>	
<p><b>15-30.040 Design Criteria.</b></p> <p>(a) <b>Size of letters.</b> Unless otherwise authorized in this Article, no sign shall have letters greater than eighteen inches in any dimension.</p> <p>(d) <b>Sign materials.</b> 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 allowed under Section 15-30.060 may be made of any material, unless otherwise specified in this Article.</p> <p>(e) <b>Illuminated signs.</b> All permanent building and freestanding signs may be either illuminated or nonilluminated, provided that illuminated signs must be approved by the Planning Commission pursuant to subsection 15-30.150(c) or Section 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:</p>	<p><b>Consistent.</b> As explained above, the Project's signs will consist of one monument sign for the residential development on Cox Avenue, one monument sign for the commercial development on Cox Avenue, and multiple signs on the commercial building for the commercial uses. These signs will comply with all of the objective design criteria in SMC section 15-30.040.</p> <p>(a) no sign will have letters greater than 18 inches in any dimension.</p> <p>(d) All signs will be constructed of high-quality materials.</p> <p>(e) The signs on the commercial building will be internally illuminated and will not cause light visible from off-property. Subsections (e)(2) and (e)(3) are not objective standards and thus do not apply.</p> <p>(f) The two monument signs for the Project will have posts no more than two feet high.</p> <p>(g) No Project signs will extend above the ridge line of a building or project over a public right of way.</p>

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<p>(1) The primary source of light shall not be visible from off the property.</p> <p>(2) The sign shall not cause annoying glare.</p> <p>(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.</p> <p><b>(f) Freestanding signs.</b></p> <p>(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.</p> <p><b>(g) Sign projection.</b> 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.</p>	
<p><b>15-30.050 Prohibited Signs.</b> The following signs are prohibited everywhere within the City:</p> <p>(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 square feet in area are excluded from this prohibition.</p> <p>(b) Mobile billboard advertising displays.</p> <p>(c) Advertising displays that are painted or attached to a vehicle parked on any property for more than forty-eight hours within a one-week period, if the sign is larger than twenty percent of the body panel (e.g.</p>	<p><b>Consistent.</b></p> <p>(a) The Project will not have signs made of reflective materials or with flashing or moving parts.</p> <p>(b) The Project will not have mobile billboard advertising displays.</p> <p>(c) The Project will not have advertising displays attached to a vehicle.</p> <p>(d) The Project will not have any of these devices.</p> <p>(e) The Project will not have any of these devices.</p> <p>(f) The Project will not have any obscene signs.</p> <p>(g) The Project will not allow signs that obstruct a door, window, fire escape, or other egress path from any building.</p>

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<p>door, hood, roof) on which it is located.</p> <p>(d) Streamers, balloons, flares, pennants, twirlers and similar attention-getting devices on or incorporated into any advertising display.</p> <p>(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 as authorized by subsection 15-30.060(k).</p> <p>(f) Obscene signs, which are defined as...</p> <p>(g) Signs that obstruct any door, window, fire escape or other egress path from any building.</p> <p>(h) Signs or sign structures that are in streets or travel lanes; conflict with traffic control signs or devices; interfere with, obstruct, or misdirect traffic; impede traffic or pedestrian movement; obstruct the clear view of vehicular or pedestrian traffic; are located in a median at a location other than one authorized by subsection 15-30.060(k); or otherwise create a pedestrian or vehicular safety hazard.</p> <p>(i) Any signs other than those allowed by this Article.</p>	<p>(h) The Project will not include any signs that are in street or travel lanes or conflict with traffic control signals or otherwise impede traffic or pedestrians.</p> <p>(i) All Project signs will be consistent with Article 15-30.</p>
<p><b>15-30.125 Signs on lots with multi-family dwellings or residential subdivisions.</b></p> <p>In addition to other signs allowed pursuant to this Article, the following signs are allowed on lots with multi-</p>	<p><b>Consistent.</b> The Project proposes one monument sign for the residential portion of the Project on Cox Avenue. This sign shall be less than six feet in height with an aggregate sign area of less than twenty-four square feet. This sign will be located at the entrance to</p>

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<p>family dwellings or residential subdivisions with a permit:</p> <p>(a) Up to two permanent freestanding signs per multi-family complex or subdivision, provided that:</p> <p>(1) The aggregate sign area shall not exceed twenty-four square feet in area and the height of each sign shall not exceed six feet.</p> <p>(2) The sign shall be located at the entrance to the multi-family dwelling complex or subdivision.</p>	<p>the subdivision.</p>
<b>Subdivision Design Requirements (Article 14-25)</b>	
<p><b>14-25.020 Surveys and monuments.</b> The engineer or surveyor shall set permanent monuments at all exterior boundary corners and angle points except where such monuments already exist in their proper positions, at all street intersections on centerlines or offsets, at the beginnings and ends of curves, and as otherwise directed by the City Engineer. In the case of intersecting curved streets, monuments shall be placed at the point of intersection of the centerlines where possible. All monuments within the improved portion of a street must be set eight inches below the finished grade line of the street in a City standard monument box. In addition, a three-fourths inch galvanized steel pipe two feet long shall also be set six inches below finished grade at each lot corner.</p>	<p><b>Consistent.</b> The Project will set monuments as required by this section.</p>
<p><b>14-25.030(b) Street right-of-ways.</b> Street rights-of-way and improvements thereof shall conform with the minimums as set forth in Table I of this Chapter except that where topography or special conditions make a street of less width more suitable for the purpose</p>	<p><b>Consistent.</b> This requirement is not objective as it states that it can be modified by the City with the exercise of discretion. See also SMC section 14-35.010, stating that the advisory agency shall have power to grant exceptions to</p>

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<p>intended, the advisory agency shall have power to approve such lesser width.</p>	<p>any design requirements set forth in Article 14-25.</p> <p>In any event, the Project’s internal drives will meet the requirements for minimum access streets, which are a minimum of 20 feet wide.</p>
<p><b>14-25.030(c) Dead-end streets and adjoining acreage.</b> Unless otherwise approved by the advisory agency, no dead-end street shall be longer than five hundred feet measured from the centerline of the nearest intersecting street. Where the subdivision or site adjoins acreage, such streets as may be extended in the event of the development of the adjoining acreage, shall be constructed to within two feet of the boundary line of the tract or building site, and the remaining two-foot strip shall be granted in fee to the City</p>	<p><b>Consistent.</b> This requirement is not objective as it can be modified by the City with the exercise of discretion. However, as shown on the Project’s site plans, the internal drives that result in dead-ends will not be longer than five hundred feet.</p>
<p><b>14-25.030(d) Cul-de-sac streets.</b> Cul-de-sac streets shall have a vehicle turning area within a minimum right-of-way radius of forty-two feet and a minimum roadway radius of thirty-two feet. No cul-de-sac shall be longer than five hundred feet from its intersection with the centerline of a non cul-de-sac street to the center of the turn-around, unless a length in excess of five hundred feet is, in the opinion of the advisory agency, the only feasible method of developing the property for the use for which it is zoned, or unless any other method of subdividing or developing the property would create block lengths of less than eight hundred feet.</p>	<p><b>Consistent.</b> As shown on the Project’s site plans, none of the interior drives are planned to be cul-de-sacs, defined as “any street having but one outlet for vehicular traffic, the terminus of said street having a vehicle turnaround enclosed by parcels of land.”</p>

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<p><b>14-25.030(g) Public street access to lots.</b> Every lot shall either front on an accepted public street or on a street offered for dedication to the public and improved to the standards required under this Chapter, except that the advisory agency may allow a minimum access street to be utilized as a means of access where:</p> <p>(1) The minimum access street constitutes the means of access for not more than four lots; and</p> <p>(2) The minimum access street is improved to the standards of a local street, as set forth in Table I of this Chapter.</p> <p>Neither a minimum access street, nor the corridor access to a flag lot may connect to a public street at any portion of the turnaround space of a cul-de-sac.</p>	<p><b>Consistent.</b> As shown on the Project's site plans, both lots front on a public street; Cox Avenue and Paseo Presada.</p>
<p><b>14-25.030(i) Streets adjacent to property lines.</b> Where the property line of the site to be subdivided or developed is adjacent to an existing street, the following provisions shall be applicable:</p> <p>(1) The exterior boundary of the subdivision or building site shall be the property line, but need not extend beyond the centerline of the adjacent street. Where such street or any portion thereof which would otherwise be includable within the subdivision or building site is not within the City limits, the exterior boundary shall instead coincide with the City limits line. The owner shall dedicate or irrevocably offer to dedicate, and shall improve as a street, all property within the City not owned by another public agency</p>	<p><b>Consistent.</b> The Project is a redevelopment site and thus property lines and surrounding streets are already set.</p>

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<p>between the property line of the subdivision or building site which lies within such bordering street and the proposed right-of-way line for such street, as such right-of-way may be established by the General Plan or any applicable specific plan, and if not so established, then to such reasonable right-of-way line as determined by the advisory agency. Any property in the subdivision or building site between the centerline of any such bordering street and the proposed right-of-way line which is under the jurisdiction of another local agency shall be offered for dedication to that local agency.</p> <p>(2) Whenever any new street of a proposed subdivision will lie along and adjacent to any property line of the subdivision and is intended to be part of the ultimate width of an arterial street, it shall be offered for dedication and improved to such width as may be proved by the General Plan or any applicable specific plan. If the plan lines for such street have not been established, then the same shall be improved to one-half of the width as shown for arterials in Table I of this Chapter, or forty feet, whichever is greater.</p>	
<p><b>14-25.030(k) Intersection radius.</b> Intersection of streets with less than four moving lanes of traffic for each street shall have a corner radius at the property line of not less than twenty feet. Intersection of streets having less than four moving lanes of traffic with streets which have, or are planned to have, four or more moving lanes of traffic shall have a corner radius at the property line of</p>	<p><b>Consistent.</b> The Project’s internal ways are considered driveways under the SMC and thus are not required to meet street requirements. However, many of the internal ways of the Project have a corner radius of at least twenty feet to allow fire vehicle access.</p>

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not less than thirty feet. Intersection of streets which have, or are planned to have, four or more moving lanes for each street shall have a corner radius at the property line of not less than forty feet.	
<b>14-25.030(n) Alleys prohibited in residential subdivisions.</b> Alleys shall not be permitted in any residential subdivision, and may be prohibited by the advisory agency in any other type of subdivision.	<b>Consistent.</b> The Project does not propose any alleys.
<b>14-25.030(r) Driveway approaches.</b> There shall be a minimum of one driveway approach to a lot, but no more than one driveway approach for each forty feet of lot frontage for any lot intended to be developed for single-family or two-family use.	<b>Consistent.</b> As shown on the Project's site plans, both lots can be accessed via Cox Avenue.
<b>14-25.040(a) Lot areas.</b> Each lot shall have an area, frontage, width, and depth equal to or greater than the minimums in the Zoning Ordinance for the district in which the subdivision or building site is situated.	<b>Consistent.</b> See discussion of C-N and Multi-Family requirements above.
<b>14-25.040(b) Lot frontage on public streets and access to public streets.</b> Each lot shall have frontage on a public street and each subdivision shall have direct access by no less than one subdivision street to an existing public street connected to the public street system of the City.	<b>Consistent.</b> The Project's lots both front on existing public streets and connect to the City's street system via internal minimum access streets.
<b>14-25.040(d) Block design.</b> Blocks shall not exceed 1,200 feet nor be less than 800 feet in length.	<b>Consistent.</b> The Project is a redevelopment site as part of an already existing City block and thus no blocks will be created by the Project.
<b>14-25.070 Preservation of existing trees.</b> (a) No native, ornamental or orchard trees required to be shown on the application for tentative map	<b>Consistent.</b> SHP Quito Village LLC will obtain all necessary tree removal permits for the Project before removing any trees from the Project site.

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<p>approval under Subsection 14-20.040(v) of this Chapter shall be removed or destroyed without a prior permit to do so issued by the Community Development Director pursuant to Article 15-50 of the Zoning Ordinance, unless such removal is specifically authorized as part of the tentative approval granted under this Chapter. No such trees may be removed or destroyed prior to the filing of an application for tentative map approval with the intent of circumventing the requirements of this Chapter.</p> <p>(b) The advisory agency may deny approval of any application for tentative map approval, and revoke any previous such approval, upon the violation of this Section by the subdivider or owner.</p> <p>(c) The approval of a tentative map by the advisory agency shall automatically constitute authorization to remove all trees within all portions of street rights-of-way which are to be improved, and to remove trees from the area as designated by the subdivider or owner to be covered by the envelope of the proposed structure or structures to be erected on the lot or site, and the area of the proposed driveway on the lot or site.</p>	
<p><b>14-25.080 Park and recreation dedication and fees.</b> <b>(a) Purpose, application and exemptions.</b> As a condition of each final map approval, and to be detailed in the conditions of [a] tentative map, every subdivider or owner shall be required to, and shall dedicate a portion of land or pay a fee in lieu</p>	<p><b>Consistent.</b> The Project’s tentative subdivision map for condominium purposes details the private open space that will be created as part of the Project. SHP Quito Village LLC will pay the applicable in-lieu park fees determined under subsections (b), (c), and (g) below. The commercial portions of the development are excluded from</p>

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<p>thereof, or a combination of both at the option of the City, for the purpose of providing park or recreational facilities reasonably related to serving the development and in accord with the standards and provisions as hereafter set forth. The provisions of this Section are enacted pursuant to Section 66477 of the Government Code and are hereby found to be in accord with the Open Space and Conservation Element of the General Plan. The requirements of this section shall not apply to any of the following:            (1) Subdivisions or sites or portions thereof for commercial or industrial uses.</p>	<p>this requirement per subsection (a)(1).</p>
<p><b>(b) Standards and formula for land dedication.</b> It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five acres of real property for each one thousand persons residing within the City be devoted to park and recreational purposes. Where a park or recreational facility has been designated in the Open Space and Conservation Element of the General Plan or has been otherwise designated by the City Council and has been proposed to be located in whole or in part within the proposed subdivision to serve the immediate or future needs of the residents of such subdivision, the subdivider shall dedicate land within the area of such subdivision for park use. The amount of land (expressed in acreage) required to be dedicated shall be based upon the average number of persons per household, based upon the most recent available federal</p>	<p><b>Consistent.</b> No park or recreational facility has been designated in the Open Space of Conservation Element of the General Plan to be located within the subdivision. The Project proposes private open space that qualifies for the 50 percent credit in subsection (g) as SHP Quito Village LLC will ensure that this land meets the requirements in subsections (1) – (5). SHP Quito Village LLC will pay the resulting in-lieu fees, as determined by the City, after considering the private open space credit created as part of the Project.</p>

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<p>census, divided by two hundred (the quotient of one thousand persons per five acres).</p> <p><b>(c) Fees in lieu of land dedication.</b> In the event there is no park or recreational facility designated as described in subsection (b), above, or in the event that the proposed subdivision contains fifty or less parcels, then the subdivider or owner shall pay a fee to the City in lieu of dedicating land, which shall be in an amount equal to the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to paragraph (b) of this Section. If a condominium project, stock cooperative, or community apartment project (as defined in California Civil Code § 1351) exceeds fifty dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty. "Fair market value", as used herein, shall be product of:</p> <p>(1) The estimated cost of parkland in Saratoga as determined by the City Council; and</p> <p>(2) The amount of land that would be required to be dedicated pursuant to subsection (b), above.</p> <p><b>(g) Credit for private open space.</b> Where a private open space for park and recreational purposes is provided in a proposed common interest development (as defined by California Civil Code § 1351) subdivision or site and such space is to be privately owned and maintained by future residents of the development, a credit not to exceed fifty percent may be given against the</p>	

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<p>requirement of dedication for park and recreation purposes or payment of fees in lieu thereof, provided the City Council finds that it is in the public interest to do so, and that the following standards are met:</p> <p>(1) That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and</p> <p>(2) That the private ownership and maintenance of the open space is adequately provided for by written agreement, conveyance or restrictions; and</p> <p>(3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the subdivision or site and which cannot be defeated or eliminated without the consent of the City Council; and</p> <p>(4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and</p> <p>(5) That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the General Plan and are approved by the City Council.</p>	

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<b>Subdivision Improvement Requirements (Article 14-30)</b>	
<p><b>14-30.030 Storm water and sewage.</b>  <b>(a) General requirements.</b>            Subterranean storm drains shall be designed and installed by the subdivider or owner to adequately and safely drain all storm waters of the subdivision or site, and all surface waters reaching or reasonably calculated to reach the subdivision or site from areas outside of its boundaries. All drainage plans shall be consistent with the requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program (NPDES) as defined in Article 15-06 of the Zoning Code. In order to ensure compliance with the program, grading plans shall incorporate appropriate source control and site design measures that minimize storm water pollutant discharges to the maximum extent possible. Existing storm drains already discharging into a watercourse shall be of a capacity sufficient, in the opinion of the City Engineer, to adequately and safely carry all of such additional drainage generated by the development. The storm drain system shall consist of mains of not less than twelve inches in diameter, together with such manholes, catch basins, laterals and other structures, and at such grades, as required by the City Engineer to conform to good drainage requirements for the area and topography of the subdivision or site to prevent standing or flooding waters within and outside of its boundaries. In addition, the subdivider or owner shall comply with all conditions of the water district as may be imposed by any permit required to be obtained from</p>	<p><b>Consistent.</b> As shown on the Project's site plans, all drainage facilities are consistent with relevant NPDES programs.</p>

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such district in order to discharge said waters into a watercourse.	
<p><b>(b) Drainage into adjacent drains.</b> Whenever a subdivider or owner proposes to drain storm and surface waters to a watercourse by means of connection with and use of existing drains outside of the subdivision or site rather than by the construction of drains at his own cost and expense outside of said subdivision or site, and if such adjacent drains and facilities have been dedicated to the public, then as a condition of approval of such alternate method, the subdivider or owner shall be required to pay a reasonable charge to the City for the connection and use of such outside public drainage system. Such cost shall in no event exceed the estimated cost to the subdivider or owner of constructing independent exterior drainage facilities to adequately carry such waters from the subdivision or site to the nearest accessible natural watercourse</p>	<p><b>Consistent.</b> The Project does not propose to drain storm and surface waters to a watercourse by means of connection with and use of existing drains outside of the subdivision rather than by constructing its own drains.</p>
<p><b>(d) Sanitary sewers.</b> The subdivider or owner shall connect the subdivision and each of the lots thereof or the building site to the facilities of such sanitation or sanitary district as has jurisdiction, by the installation of such additional mains and laterals as is necessary in the opinion of the Health Officer to adequately sewer the same by sanitary sewers. In the event the subdivision or the building site or any part thereof is not within the boundaries of a sanitation or sanitary district, the advisory agency may require annexation to or otherwise inclusion in such a district as a condition of tentative map approval.</p>	<p><b>Consistent.</b> The Project's site plans show the sanitary sewer connections for the development. The sanitary sewers will meet all applicable regulations and requirements. Please see the Project Description for more information.</p>

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<p>Sanitary sewers shall be installed to grades, standards, location, design, lengths and sizes, as approved by the sanitation engineer for the district having jurisdiction, and in accord with all laws and regulations of said district. Other than as might be permitted under Article 14-35 of this Chapter, disposal of sanitary sewage may not be by septic tank methods, or any other method other than by connection to a sanitary sewer system.</p>	
<p><b>14-30.040 Water.</b>  <b>(a) General requirements.</b> The subdivider or owner shall construct a complete water system including mains, valves, fittings, blowoffs, fire hydrants and other appurtenances and structures adequate to provide water supply for domestic or commercial use and for fire protection in conformity with the standards established by the Board of Fire Underwriters of the Pacific. Water mains shall conform to the design criteria of the San Jose Water Company and the State Public Utilities Commission, and the grades, location and sizes shall be approved by the City Engineer. The number and location of fire hydrants shall be as determined by the Fire Chief of the district serving the area in which the subdivision or building site is located.</p>	<p><b>Consistent.</b> The Project’s site plans show the water system that will be installed. The water system will meet all applicable regulations and requirements. Please see the Project Description for more information.</p>
<p><b>14-30.060 Trees.</b> The subdivider or owner shall plant trees on each lot or site and maintain them for a minimum of one year after planting. All such trees shall be of a number, variety and type as determined or approved by the advisory agency, which may delegate such authority in any particular instance to the Community</p>	<p><b>Consistent.</b> The Project’s site plans show the landscaping planned for the site, which includes trees on the lot. All landscaping on the Project site will be maintained by SHP Quito Village LLC. No trees will be planted in a street right-of-way. To the extent this requirement is subjective, it is not applicable.</p>

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<p>Development Director. Any such trees, which may be planted in a street right-of-way, shall constitute encroachments subject to removal in accordance with Article 10-20 in Chapter 10 of this Code.</p>	
<p><b>14-30.085 Cable television service.</b>            The subdivider or owner, at his own expense, shall provide for cable television service to the subdivision or building site whenever the holder of a cable television franchise granted pursuant to Article 4-15 of this Code would be required to extend service to such subdivision or site under the density standard set forth in Section 4-25.105 of this Code.</p>	<p><b>Consistent.</b> Cable TV service is readily available along Paseo Presada and will be extended to the Project site as needed.</p>
<p><b>14-30.100 Underground utilities.</b>            (a) All public utility systems and service facilities therefor, including without limitation all electrical and telephone distribution or transmission facilities, and also all telegraph and all CATV distribution or transmission facilities, if any, installed in and for the purpose of providing service within the subdivision or building site, shall be located and installed underground and insofar as practical shall be located in the rights-of-way of public streets, with a junction box for each lot of a subdivision designed to carry the service drops underground to each serviced building or structure. The subdivider or owner shall make any necessary cost and other arrangements with each of the public utility and CATV companies involved for the installation of underground facilities and for the relocation of existing overhead facilities on or adjacent to the subdivision or site, including notification of the</p>	<p><b>Consistent.</b> All public utility systems and service facilities installed as part of the Project will be installed underground or otherwise compliant with SMC. SHP Quito Village LLC shall work with the various companies and jurisdictions to complete this installation.</p>

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<p>commencement of construction and reasonable notice of the particular date on which open trenching will be available for the installation of the underground facilities. All undergrounding work shall be performed in accordance with the respective operating company's rules, regulations and specifications.</p> <p>(b) Undergrounding shall not be required with respect to the following:</p> <p>(1) Pad-mounted transformers, terminal boxes, meter cabinets and concealed ducts may be situated aboveground if they are used solely for the purpose of providing service within the subdivision or site and are used solely in connection with the underground transmission or distribution lines.</p> <p>(2) Poles supporting electricity transmission lines, and the electricity transmission lines supported by such poles, may be situated above the surface of the ground if the voltage carried by such lines is more than 12KV and such lines are not connected to any distribution line situated within the subdivision or site and do not in any way serve any part of the subdivision or site.</p> <p>(3) Poles supporting street lights, and the electrical lines within said poles, may be situated above the surface of the ground.</p>	
<b>Water-Efficient Landscaping (Article 15-47)</b>	
<p><b>15-47.020(b) Large project or use/rehabilitated landscape project—Water budget option.</b> For each project or use that requires full compliance pursuant to Section 15-</p>	<p><b>Consistent.</b> The Project’s conceptual landscape and irrigation plans and other documents submitted in compliance with this subsection show that the planned landscape areas will</p>

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<p>47.015(b), the applicant shall submit for Community Development Department approval the following completed documents demonstrating that the estimated total water use (ETWU) of the landscape area will not exceed the maximum applied water allowance (MAWA):</p> <p>(1) Water-efficient landscape worksheet, as provided by the Community Development Department;</p> <p>(2) Water budget in compliance with the standards in Section 15-47.030;</p> <p>(3) Landscape and irrigation design plan in accordance with Section 15-47.040;</p> <p>(4) Certificate of completion. A certificate of completion, on such forms as may be prescribed, shall be filed with the Community Development Department prior to final building permit approval; and</p> <p>(5) Landscape plan check fee. Fees for review and processing of required documents, as set forth in the fee schedule adopted by the City.</p>	<p>not exceed the maximum applied water allowance. Further details on landscaping and irrigation design will be provided to the City as the Project creates building permit approval level documents in conjunction with the City.</p>
<p><b>15-47.030 - Water Budget Standards (Water Budget Option Requirements).</b></p> <p>If the applicant complies with Article 15-47 by means of the "water budget" option, a water budget is required, which shall satisfy the following requirements:</p> <p>(a) The water budget must be completed by a certified professional who is authorized by the State of California to complete a water budget.</p> <p>(b) The maximum applied water allowance (MAWA) (gallons per year)</p>	<p><b>Consistent.</b> The Project's conceptual irrigation and landscape plan includes a water budget which meets this requirement. Further details will be provided as the Project creates building permit approval level documents in conjunction with the City of Saratoga.</p>

<b>Saratoga Municipal Code (SMC)</b>	<b>Quito Village Project Consistency</b>
<p>shall be calculated using the equations set forth below: ...</p> <p>(c) The estimated total water use (ETWU) (gallons) shall be calculated using the equations set forth below:....</p> <p>(d) The sum of the ETWU calculated for all hydrozones shall not exceed the MAWA.</p> <p>(e) The reference evapotranspiration adjustment factor (ETAF) for new and existing (non-rehabilitated)special landscape areas shall not exceed 1.0. The ETAF for the remaining landscaped area shall not exceed 0.55 for residential areas and 0.45 for nonresidential areas.</p> <p>(f) The plant factor used shall be: ...</p> <p>(1) From the Water Use Classification of Landscape Species (WUCOLS), adopted by reference as published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation and kept on file at the Community Development Department; or</p> <p>(2) From horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR).</p> <p>(g) Each water feature shall be included in the high water use hydrozone.</p> <p>(h) Each special landscape area (SLA) shall be identified, and its water use included, in the water budget calculations.</p> <p>(i) Irrigation system efficiency shall be greater than or equal to seventy-five percent for overhead spray devices and</p>	

<b>Saratoga Municipal Code (SMC)</b>	<b>Quito Village Project Consistency</b>
<p>eighty-one percent for drip system devices.</p> <p>(j) A project applicant may consider effective precipitation (twenty-five percent of annual precipitation) in tracking water use and may use the alternative MAWA equation set forth below:...</p>	
<p><b>15-47.040 - Landscape and irrigation plan.</b></p> <p>(a) The landscape and irrigation plan shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or that of a certified or authorized professional who is authorized by the State of California to complete a water budget, and shall contain the following statement: "I have complied with the criteria of the City of Saratoga Water Efficient Landscape Ordinance currently in effect and applied them for the efficient use of water in the Landscape and Irrigation Plan."</p> <p>(b) The landscape and irrigation plan shall constitute an exhibit to, and contain all information required on, the water efficient landscape and irrigation plan checklist, developed by the Community Development Department, as necessary to demonstrate compliance with Article 15-47, and shall at a minimum:</p> <p>(1) Identify type and location of all irrigation systems, meters, automated controls, separate valves, hours of operation, and efficiency levels. Irrigation systems are required to have pressure regulators and master-shut off valves.</p>	<p><b>Consistent.</b> The Project's conceptual irrigation and landscape plan addresses many of these requirements. Further details will be provided as the Project creates building permit approval level documents in conjunction with the City of Saratoga. Detailed irrigation and landscaping site plans addressing all of these requirements will be provide to the City before building permits are issued.</p>

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<p>(2) Identify type and location of all plant material, turf and non-turf areas, and mulching. Turf shall be less than twenty-five percent of the landscape area in residential areas and there shall be no turf in nonresidential areas.</p> <p>(3) Identify all hydrozones and special landscape areas including square footage of each separate hydrozone.</p> <p>(4) Identify all hardscapes and water features.</p> <p>(5) Identify all low impact development (LID) site design measures as required to comply with any and all stormwater management requirements established by law.</p> <p>(6) Identify all grading contours and quantities, as applicable. Turf shall not be planted on sloped areas which exceed a slope of one-foot vertical elevation change for every four feet of horizontal length.</p> <p>(7) Identify all dedicated landscape water meters or submeters, which shall be required for all non-residential irrigated landscapes greater than one thousand square feet or and residential irrigated landscapes greater than five thousand square feet, except for those installations where irrigation water is provided by an individual on-site well. Flow sensors that detect and report high flow conditions due to broken pieces and/or popped sprinkler heads are required for landscape areas greater than five thousand square feet.</p> <p>(8) Irrigate with subsurface irrigation or other means that produce no</p>	

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<p>runoff or overspray for all areas less than ten feet in width in any direction. Turf is prohibited in parkways less than ten feet wide unless the parkway is adjacent to a parking strip and used to enter and exit vehicles.</p> <p>(9) For established landscapes that have dedicated irrigation meters, the maximum applied water allowance (MAWA) shall be calculated as follows: Audited MAWA = (ET<sub>o</sub>) (0.62) (LA) (0.8) where ETAF = 0.8</p> <p>(10) Identify any applicable graywater discharge piping system components and areas of distribution.</p>	
<p><b>15-47.050 Landscape and irrigation maintenance.</b> As to each project or use to which this Article 15-47 is applicable, each landscape area shall be maintained in compliance with the standards in Article 15-47 to ensure water use efficiency, including by inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in each landscape area; and removing obstructions to emission devices.</p>	<p><b>Consistent.</b> SHP Quito Village LLC will maintain all landscaped areas in accordance with the standards in Article 15-47.</p>
<p><b>15-47.060 Stormwater management and rainwater retention.</b> Stormwater best management practices shall be implemented into each project landscape and irrigation plan and each project grading design plan to minimize runoff and to increase on-site rainwater retention and infiltration and be consistent with any and all stormwater management requirements established by law.</p>	<p><b>Consistent.</b> Please see <a href="#">Appendix H – LID Feasibility Screening Worksheet and C3 Data Form</a>.</p>

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<b>Tree Regulations (Article 15-50)</b>	
<p><b>15-50.130 Arborist Report.</b> An Arborist Report shall be required for any application for discretionary development approval that would require the removal of one or more trees protected by this Chapter and for any other projects where the Community Development Director determines it is necessary. The Community Development Director may require any Arborist Report (or portion thereof) to be reviewed by the City Arborist. The Arborist Report and any review of it by the City Arborist required by the Community Development Director shall be at the sole expense of the applicant. Arborist Reports shall expire thirty-six months from the date of the report or upon the expiration of the building permit for the project for which the arborist report was prepared, whichever occurs later.</p>	<p><b>Consistent.</b> The Arborist Report is attached as <a href="#">Appendix I</a>.</p>
<b>Miscellaneous Regulations</b>	
<p><b>5-80.040 Undergrounding of public utilities.</b> (a) All electric lines and communication lines, and appurtenances, including all public utility systems and service facilities therefor, and also all telegraph and CATV distribution or transmission facilities, shall hereafter be located and installed underground on all lands and zoning districts within the City, except as specifically permitted in this Section. (b) No person shall directly or indirectly erect, construct, fabricate or install any tower, pole or similar structure, for the purpose of operating or maintaining any</p>	<p><b>Consistent.</b> All utilities which are required to be added at the site as part of the Project will be underground or otherwise compliant with SMC. SHP Quito Village LLC shall work with the various companies and jurisdictions to complete this installation.</p>

Saratoga Municipal Code (SMC)	Quito Village Project Consistency
<p>overhead electric lines or any overhead communication line or lines, or any appurtenant structure or part thereof, except as follows:</p> <p>(1) Existing overhead electric and communication lines, poles and transformers may be replaced overhead when required because of deterioration, or because of damage by fire, wind, falling trees, or other accidental means.</p> <p>(2) Temporary electric and communication lines, poles, and transformers may be installed to serve construction projects or emergency situations for periods not to exceed six months, unless such time is extended by the City.</p> <p>(3) Overhead electric lines, communication lines, poles and transformers may be replaced at the same location with facilities of greater capacity where such facilities are not already included in an existing or immediately pending underground utility district or required to be undergrounded as a condition of any permit or approval issued pursuant to any provision of this Code.</p> <p>(4) Pad-mounted transformers, service pedestals, meter cabinets, surface-mounted switches and concealed ducts are not required to be undergrounded so long as they are used solely in connection with, and as appurtenances to, an underground distribution system or facilities.</p> <p>(5) Electric transmission lines are not required to be undergrounded where the voltage carried by such lines is more than 34.5 KV.</p>	

<b>Saratoga Municipal Code (SMC)</b>	<b>Quito Village Project Consistency</b>
<p>(6) Overhead service drops to structures served by at least one existing overhead service drop are not required to be undergrounded provided that such service drop requires installation of no additional poles, and is not more than five hundred feet in length.</p> <p>(c) No use shall be made of any land, building, or structure in the City for any electric lines, or communication lines, or appurtenances, except as permitted under this Section.</p> <p>(d) The Planning Commission is empowered to grant variances from the regulations set forth in this Section, in accordance with Article 15-70 of this Chapter.</p>	

Table B-2: Consistency with Applicable Saratoga General Plan Objective Standards

<b>Saratoga General Plan</b>	<b>Quito Village Project Consistency</b>
<b>Circulation and Scenic Highway Element</b>	
<p><b>CI-Action-2.7:</b> Require a transportation analysis for all development projects resulting in 25 or more net new peak-hour trips. As appropriate, the analysis shall identify potential impacts to intersection and roadway operations, project access, and alternative travel modes, and shall identify feasible improvements or project modifications to reduce or eliminate impacts. City staff shall have the discretion to only require focused studies regarding access, sight distance, and other operational and safety issues, or to require detailed studies that generate fewer peak hour trips.</p>	<p><b>Consistent.</b> The Project has completed a traffic analysis for the development attached as <a href="#">Appendix F – Traffic Impact Analysis</a>. This is provided for informational purposes only, but shows that the Project will have no impacts due to traffic or circulation.</p>
<p><b>CI.3:</b> Limit the intrusion of commercial truck traffic on streets within the City.</p>	<p><b>Consistent.</b> The Project will not result in a significant number of commercial</p>

	truck trips as it is a mixed-use development project with small, community-serving commercial uses.
<b>CI-Policy-3.1:</b> Require trucks to only use the designated routes shown on Figure C-3 unless making a local delivery.	<b>Consistent.</b> The only commercial truck trips potentially associated with the Project will be making local deliveries to the Project’s commercial uses.
<b>CI-Action-4.5:</b> Provide information to the public on available alternative transportation choices and routes.	<b>Consistent.</b> SHP Quito Village LLC will provide information to renters and purchasers of available alternative transportation choices and routes.
<b>CI-Action-5.5:</b> Require the provision of secure bicycle parking as part of all future development projects that include multi-family residential, commercial, industrial, office, and institutional uses. Recommended bicycle parking design standards shall be referenced from the Santa Clara Valley Transportation Agency Bicycle Technical Guide.	<b>Consistent.</b> As shown on the Project’s site plans, there is bicycle rack parking near the commercial portion of the development. This parking will provide four open bike rack spaces to meet the requirements for three spaces (1/2,000sf) for the 4,999 square feet of commercial uses in the Project and to meet CalGreen requirements.
<b>CI-Action-5.7:</b> Require new development projects and redevelopment projects to dedicate right-of-way and/or provide improvements to accommodate bicycle lanes on streets identified on Figure C-5.	<b>Consistent.</b> Figure C-5 identifies Cox Avenue for Class II Facilities requiring a bicycle lane with signage. A Class II lane exists along Cox Avenue and the Project will not impact the lane.
<b>CI-Action-5.8:</b> Require new cul-de-sac streets to accommodate bicycle and pedestrian access between residential areas, public uses, and community areas.	<b>Consistent.</b> As explained above, there are no cul-de-sac streets in the Project as defined by the City. However, the design of the entire Project site will accommodate bicycle and pedestrian access between residential areas, public uses, and community areas.
<b>CI-Action-5.14:</b> Prohibit motorized vehicular traffic on trails, pathways, parks and dedicated open space except for maintenance and emergency purposes.	<b>Consistent.</b> SHP Quito Village LLC will prohibit the use of motorized vehicular traffic on pathways, parks, and dedicated open space areas except for maintenance and emergency purposes.
<b>CI-Action-5.19:</b> Provide trails, sidewalks or separated pathways along all arterial streets and along some	<b>Consistent.</b> The Project is not affecting the streets outside of the development.

<p>collector streets in areas where needed to provide safe pedestrian access to schools.</p>	
<p><b>Housing Element</b></p>	
<p><b>Table 3-4 Summary of Multiple Family Residential Zoning Requirements:</b> Maximum building height in all multiple family residential zones is 30 feet or two stories.</p>	<p><b>Consistent.</b> As explained above, the Project proposes two story townhome structures with mezzanines. Because of the requirements and definitions in the SMC and California Building Code, the mezzanine area is not a separate story and thus the structures are two stories.</p>
<p><b>Policy Action 4-1.4: Encourage Green Building Practices in Home Construction</b></p> <p>The City understands the importance of sustainable use of limited resources and encourages the use of “green building” practices in new and existing housing. The City’s Design Review process requires that new and existing residential home construction projects include a completed CalGreen checklist. The CalGreen checklist tracks green features incorporated into the home. The checklist is produced by the California Building Standards Commission. In addition, the City provides public information on its website pages, “Go Green in Saratoga” and offers low cost permits as an incentive to install solar panels.</p>	<p><b>Consistent.</b> This application includes <a href="#">Appendix E – California Green Building Standards Checklist</a>.</p>
<p><b>Land Use Element</b></p>	
<p><b>Overall Height Limit.</b> No structures in Saratoga shall be over two stories in height except that the maximum height of structures located within the Saratoga Village Area boundary (as defined by the Saratoga Village Area Plan, adopted in 1988), shall be regulated by the development standards of the Village Area Plan, as may be revised by City Council from time to time.</p>	<p><b>Consistent.</b> As explained above, the Project does not contain any buildings greater than two stories.</p>

<p><b>Policy LU 2.1:</b> Non-residential development shall be confined to sites presently designated on the General Plan Map for nonresidential uses. Existing non-residential zoning shall not be expanded nor new nonresidential zoning districts added.</p>	<p><b>Consistent.</b> The Project’s commercial component will be established in an area zoned to permit commercial uses.</p>
<p><b>Policy LU 5.1:</b> Prior to approval, the decision-making body shall consider the cumulative traffic impacts of single-family residential projects of 4 or more lots, multi-family residential projects of eight or more units, and commercial projects designed for an occupancy load of more than 30 persons. This may be accomplished through the completion of traffic impact analyses prepared by qualified traffic engineers or transportation planners.</p>	<p><b>Consistent.</b> The project has completed a Traffic Impact Analysis for the Project attached as <a href="#">Appendix F</a>. This is provided for informational purposes only, but shows that the Project would not have negative impacts on traffic or circulation.</p>
<p><b>LU.5.a.</b> Through the design review and subdivision review process, the City shall require that all major development projects include traffic and environmental review to ensure adherence with Neighborhood Protection Goals and Policies</p>	<p><b>Consistent.</b> The project has completed a Traffic Impact Analysis for the development attached as <a href="#">Appendix F</a>. This is provided for informational purposes only.</p>
<p><b>LU.6.c.:</b> Continue to require arborist review for all development projects in accordance with the City’s Tree Ordinance.</p>	<p><b>Consistent.</b> <a href="#">Appendix I – Arborist Report and Tree Preservation Plan and Tree Permit Application</a> explains the landscaping plans for the site as per trees to be removed or preserved. Quito Plaza, LLC is prepared to work with the City to comply with the City’s Tree Ordinance.</p>
<p><b>Policy LU 6.2:</b> Development proposals shall incorporate stormwater quality features, including but not limited to grassy bio-swales, to protect surface and subsurface water quality.</p>	<p><b>Consistent.</b> The Project’s conceptual landscaping and irrigation site plans shows that stormwater features will be incorporated into site design. Please also see <a href="#">Appendix H – LID Feasibility Screening Worksheet and C3 Data Form</a>.</p>
<p><b>Policy LU 12.9:</b> Conduct reconnaissance level analyses of new development projects to ensure that no</p>	<p><b>Consistent.</b> The Project is a redevelopment site located on a previously disturbed site and thus no</p>

<p>significant archeological, prehistoric, paleontological Native American resources would be disturbed. If such resources are found, appropriate steps shall be taken, consistent with CEQA requirements to protect these resources.</p>	<p>significant archeological, prehistoric, paleontological Native American resources will be disturbed by the Project.</p>
<p><b>Policy LU 15.1:</b> Require development projects to comply with Bay Area Air Quality Management District (BAAQMD) measures to reduce fugitive dust emissions due to grading and construction activities.</p>	<p><b>Consistent.</b> The Project will comply with BAAQMD measures to reduce fugitive dust during construction activities.</p>
<p><b>LU.15.a.:</b> Amend the standard conditions of approval for all new development projects to require that all projects comply with Bay Area Air Quality Management District (BAAQMD) dust emission reduction measures and to encourage trip demand measures for major nonresidential projects.</p>	<p><b>Consistent.</b> The Project will comply with BAAQMD dust emission reduction measures during construction activities.</p>
<p><b>Noise Element</b></p>	
<p><b>Policy 2.1:</b> An acoustical analysis is to be conducted for proposed Residential and Quasi-Public development where the existing noise level exceeds Outdoor DNL 60 dB to determine measures needed to reduce noise impacts to meet City noise standards.</p>	<p><b>Consistent.</b> It is not anticipated that the existing noise level at the Project site exceeds Outdoor DNL 60 dB. However, an acoustical analysis will be performed for the Project in consultation with the City prior to building permit issuance.</p>
<p><b>Policy 2.2:</b> New residential development shall be designed and constructed to provide an interior noise level of DNL 45 dB or less in habitable rooms (due to outdoor sources).</p>	<p><b>Consistent.</b> See above.</p>
<p><b>Policy 2.3:</b> Residential outdoor open space intended for use and enjoyment shall be designed to meet Outdoor DNL 60 dB. This policy does not apply to private exterior balconies. Where this level cannot feasibly be met by incorporating reasonable measures,</p>	<p><b>Consistent.</b> See above.</p>

<p>such as strategic site layout and noise barriers, DNL 65 dB may be approved.</p>	
<p><b>Policy 2.4:</b> New office/commercial development shall be designed and constructed to reduce daytime interior noise levels in accordance with State CalGreen standards prescribing an interior noise level standard of Leq(h) 50 dB as the maximum allowable hourly average noise level during any hour of operation.</p>	<p><b>Consistent.</b> See above.</p>
<p><b>Open Space and Conservation Element</b></p>	
<p><b>Policy OSC 10.1:</b> Implement water conservation provisions of the San Jose Water Company’s Urban Water Management Plan.</p>	<p><b>Consistent.</b> The Project is designed to comply with the conservation provisions of the San Jose Urban Water Management Plan.</p>
<p><b>Implementation Measure OSC.10.a:</b>  The City shall inform applicants of water conservation provisions and require that all new development proposals be in compliance with the water conservation provisions of the San Jose Urban Water Management Plan.</p>	<p><b>Consistent.</b> The Project is designed to comply with the conservation provisions of the San Jose Urban Water Management Plan.</p>
<p><b>Implementation Measure OSC.10.b:</b>  The City shall require as part of the conditions of development approval that native drought-tolerant vegetation be used in proposed landscaping, whenever feasible.</p>	<p><b>Consistent.</b> As shown on the Project’s conceptual landscape and irrigation plans, the Project is designed to utilize native, drought-tolerant vegetation where feasible.</p>
<p><b>OSC.11.b.</b> The City shall continue to require that all projects conform to the City’s Tree Ordinance.</p>	<p><b>Consistent.</b> The Project is designed to comply with the City’s Tree Ordinance as described in <a href="#">Appendix I – Arborist Report and Tree Preservation Plan and Tree Removal Permit Application</a>.</p>
<p><b>Policy OSC 12.1:</b> Development projects should include the preservation of protected trees and other significant trees. Any adverse effect on the health and longevity of native oak trees, protected or other significant trees should be avoided through appropriate design measures and construction</p>	<p><b>Consistent.</b> <a href="#">Appendix I – Arborist Report and Tree Preservation Plan and Tree Removal Permit Application</a>, explains the plans to preserve certain trees near the Project site and replace others as necessary.</p>

<p>practices. When tree preservation is not feasible, individual development projects shall include appropriate tree replacement as approved by the City.</p>	
<p><b>Policy OSC 12.2:</b> Trees used for new or replacement plantings should be selected primarily for low water use characteristics.</p>	<p><b>Consistent.</b> The Project’s conceptual landscape and irrigation plans show that low water use trees will be considered for the Project. See <a href="#">Appendix I – Arborist Report and Tree Preservation Plan and Tree Removal Permit Application</a>.</p>
<p><b>OSC.12:</b> The City shall continue to require that all development projects conform to the City’s Tree Ordinance. The preservation of existing trees shall be ensured through the collection of security deposits.</p>	<p><b>Consistent.</b> The Project is designed to comply with the City’s Tree Ordinance as described in <a href="#">Appendix I – Arborist Report and Tree Preservation Plan and Tree Removal Permit Application</a>.</p>
<p><b>Policy OSC 15.1:</b> Require development projects to comply with Bay Area Air Quality Management District (BAAQMD) measures to reduce dust emissions due to grading and construction activities.</p>	<p><b>Consistent.</b> The Project will comply with BAAQMD measures to reduce dust emissions during construction activities.</p>
<p><b>OSC.15.a.</b> Include a condition of approval for all new development projects that requires compliance with the BAAQMD dust emission reduction measures.</p>	<p><b>Consistent.</b> See above.</p>
<p><b>Safety Element</b></p>	
<p><b>Implementation Measure SAF-3.3a:</b> Implement the City’s impervious coverage regulations by continuation of existing zoning regulations as contained in the City Code.</p>	<p><b>Consistent.</b> The project is designed to comply with the impervious coverage regulations and meets all coverage requirements in the SMC, as described above.</p>
<p><b>Policy SAF-4.1:</b> The City shall require the installation of an early warning fire alarm system in each of the following cases:</p> <p>d. All new multi-family dwellings and other new structures having multiple sleeping units, such as hotels, motels, apartments, condominium or other community housing projects,</p>	<p><b>Consistent.</b> The Project includes early warning fire alarm systems in all dwelling units.</p>

townhouses and nursing homes.	
<b>Implementation Measure SAF-4.1a:</b> Implement through continuation of existing subdivision, zoning and building regulations as contained in the City Code.	<b>Consistent.</b> The project is designed to comply with the existing subdivision, zoning, and building regulations in the SMC, as described above.
<b>Implementation Measure SAF-4.3a:</b> Implement through continuation of existing subdivision, zoning and building regulations as contained in the City Code.	<b>Consistent.</b> The project is designed to comply with the existing subdivision, zoning, and building regulations in the SMC, as described above.