



SARATOGA

California

Community Development Department
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Saratoga, CA 95070
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February 20, 2020

SHP Quito Village LLC
c/o Steve Lynch, Director of Planning and Entitlement
965 Page Mill Road
Palo Alto, CA. 94304

RE: Application No. MISC20-0001 – 19764-18850 Cox Avenue – SB35 Preliminary Eligibility and Corrections Letter

The Planning Division has reviewed the development plans submitted on January 9, 2020 for redevelopment of an existing shopping center located at 19764-18850 Cox Avenue with 4,999 square feet of commercial-retail and 253,230 square feet of residential. The project proposes to subdivide the existing 6.269-acre site into two parcels; a 0.39-acre parcel to locate the commercial-retail building and a 5.88-acre parcel to accommodate the residential buildings. The residential component of the project comprises 91 units in 17 buildings. The project proposes to provide 10 percent of the units affordable to very-low income households.

The project provides 53 surface parking spaces to service the commercial-retail use and guests, and 182 spaces in enclosed garages to service the townhomes. The project also includes amenities such as approximately 76,529 square feet of landscaping including a central park, a pocket park, and an open plaza near the commercial building.

The applicant has requested that the City review the application under a streamlined process provided by SB35. As outlined below, staff preliminarily finds the proposed project **eligible** for a streamlined process pursuant to SB35 insofar as it appears to comply with the objective planning standards contained in Government Code section 65913.4, subdivision (a)(1)-(4), (6)-(10). However, the City requires additional information before it can determine that the project complies with all local objective standards as required by subdivision (a)(5).¹

ELIGIBILITY CRITERIA

1. **NUMBER OF UNITS.** Where at least ten (10) units must be provided the project provides 91 dwelling units as part of a mixed-use project where the residential development is at least two-thirds of the proposed development's square footage.

¹ Please note that this letter is not a final determination of consistency and eligibility. The City will provide the final determination within the time period provided by Government Code section 65913.4.

2. **AFFORDABILITY.** Where at least 10 percent of the units must be affordable to low-income households (80% or less of Area Median Income, the project proposes to provide 10 percent of the total number of units as affordable to very-low-income (50% or less of Area Median Income) households.
3. **URBAN INFILL.** The project is located on a legal parcel located within City of Saratoga jurisdiction. The project site abuts residential and commercial/office uses which are considered “urban uses” pursuant to definitions included in SB35.
4. **ZONED OR PLANNED RESIDENTIAL USES.** The subject property is zoned C-N (Commercial - Neighborhood) and has the General Plan land use designation of Commercial Retail. Pursuant to Sections 15-19.030(b) and 15-58.020(a) of the Saratoga Municipal Code, mixed-use development with a maximum density of 20 dwelling units per acre is allowed on the site with a Conditional Use Permit. However, pursuant to SB35, the applicant is not subject to a Conditional Use Permit if it complies with the objective planning standards listed in subdivision (a) of SB35.
5. **CONSISTENT WITH OBJECTIVE STANDARDS.** The project is generally consistent with the objective General Plan, zoning, and subdivision ordinance standards. However, staff finds that minor project modifications and/or clarifications are necessary in order to ensure substantive compliance and to allow the City to make its final determination of consistency and eligibility. These modifications/clarifications are discussed below.
6. **PARKING.** The project is not located within one-half mile of the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, as defined by Section 102(r) of HCD’s SB35 Guidelines. Therefore, according to Housing and Community Development’s SB35 Streamlined Ministerial Approval Process Guidelines (“SB35 Guidelines”), the project is subject to one parking space per unit under SB35. However, the project is providing two garage spaces for each townhome unit and 53 surface parking spaces (28 of which are guest parking for the townhomes).
7. **LOCATION.** The proposed project site is not located:
 - a. On prime farmland or farmland of statewide importance as defined by United States Department of Agriculture land inventory and monitoring criteria, as modified for California, wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993),
 - b. Within a very high fire hazard severity zone as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code,

- c. On a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code (<https://calepa.ca.gov/sitecleanup/corteselist/>),
 - d. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2,
 - e. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency,
 - f. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency,
 - g. On lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan,
 - h. On lands that provides habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code),
 - i. On land under conservation easement,
 - j. On a site that previously contained housing of any kind or on a site that is subject to the Mobile Home Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act, or
 - k. On a site with historic structures listed on a local, state, or federal register.
8. **SUBDIVISIONS.** Staff finds that the project is generally consistent with all the objective development standards outlined in the City's subdivision ordinance. The applicant has provided a letter certifying that 1) all construction workers will be paid the applicable prevailing wages, and 2) a skilled and trained workforce will be used to complete the project.

9. **PREVAILING WAGE/SKILLED AND TRAINED WORKFORCE.** The applicant has provided a certificate indicating that it intends to pay applicable prevailing wages and employ a skilled and trained workforce to execute the project. The project applicant shall be required to provide on a monthly basis, while the project is in construction, a report demonstrating compliance with the requirement to provide skilled and trained workforce. Pursuant to SB35, the applicant will also be required to pay all contractors and subcontractors on the project at least the general prevailing rate of per diem wages.

MODIFICATIONS/CLARIFICATIONS REQUIRED TO ESTABLISH CONSISTENCY WITH OBJECTIVE STANDARDS. Staff finds that the project is mostly consistent with the applicable General Plan and municipal code objective standards. However, City staff requires additional information and/or modifications to the project application materials to ensure consistency with all objective planning standards:

- 1) **DISTRIBUTION OF AFFORDABLE UNITS.** SB35 Guidelines (Article IV, Section 402(f)) state: "Affordable units shall be distributed throughout the development and shall be of comparable size, both in terms of the square footage and the number of bedrooms, and quality to the market rate units with access to the same common areas and amenities."

Given this Guideline, the plans must be of sufficient detail for staff to verify the distribution, square footage, number of bedrooms and quality of the affordable residential units compared to the market rate units.

Action Item: Pursuant to this, staff requires that the applicant revise the project site plan (or provide a supplemental exhibit) to show the location, square footage, and number of bedrooms for the market-rate and affordable units on the project site, and to confirm that the affordable units will be equivalent in quality, and with access to the same common areas and amenities, as the market-rate units.

- 2) **APPLICABLE DENSITY/DENSITY BONUS APPLICATION NARRATIVE.** The project has a General Plan land use designation of Commercial Retail and zoning of C-N. Both the General Plan (Housing Element Table 3-1) and Zoning Ordinance (Section 15-58.020(a)) clearly specify the maximum density for mixed-use development in the C-N zone is 20 units per acre. Staff finds that the proposed project does not exceed the maximum density. It provides 91 units on 6.1 net acres for a density of 15.1 units per acre, well below the maximum allowed. However, the application submitted states that the residential component of the project is subject to R-M-3,000 zoning district standards which equates to 14.52 units per acre and requests a density bonus and related concessions and incentives.

Action Item: Staff requires that the applicant update the density bonus application and other documents of the application materials to reflect the maximum density for the project to be 20 dwelling units per acre.

- 3) **MEZZANINE.** It is unclear from the development plans provided by the applicant if the mezzanine covers less than 50% of the floor below it, as required by the California Building Code (Title 24, Part 2, Volume 1, Section 505.2) and as adopted by the City (Section 16-15.010 of the Saratoga Municipal Code).

Action Item: Staff requires that the applicant revise the unit plans or submit supplemental exhibits to indicate the second-floor area and the mezzanine areas to demonstrate compliance with the requirement of the 2020 California Building Code, as it applies to mezzanines.

- 4) **LANDSCAPING ON STREET FRONTAGE.** No less than five (5) feet along all property lines that abut a street must be landscaped with plant material and/or improved with sidewalks or pathways (Section 15-19.030(i) of the Saratoga Municipal Code).

Action Item: Staff requires that the applicant either add a note to the landscape plans or revise the plans to clearly show the location of the either the landscaping strip or the walkway.

- 5) **MONUMENT SIGN.** Applicant shall note that it will need to secure a separate permit for the proposed project monument sign and any future building mounted signs.

Action Item: Applicant shall revise the plan to clearly show the location of the monument sign with respect to a triangle having sides fifty (50) feet in length from a street intersection (as measured from intersecting curb lines or intersecting edges of the street pavement where no curb exists). Should the proposed monument sign fall within the triangle as described above, the applicant shall revise the site and landscape plan to clarify that height of such a monument sign shall not exceed three feet (Section 15-30.030(c) of the Saratoga Municipal Code).

- 6) **PUBLIC RIGHT-OF-WAY.** Section 14-25.030(a) of the Saratoga Municipal Code requires street rights-of-way improvements to conform with the minimums as set forth in Table 1 Chapter 14 – Subdivisions. That Table requires a total right-of-way width of 90 feet for Cox Avenue as a “4-lane undivided thoroughfare”. Additionally, Paseo Presada as a “collector” requires a total right-of-way width of 60 feet.

Action Item: Applicant shall revise the proposed boundary and easements to show the required street dedications and show the front yard setbacks from the newly established property lines. Provide description of any setback deficiency and if a second concession is being requested with associated rationale.

Please be advised that the proposed project will be processed pursuant to the timelines outlined in SB35.

As noted above, this letter provides preliminary feedback and is not the final eligibility/consistency determination.

If you have any questions, please contact me at 408-868-1235 or criordan@saratoga.ca.us

Respectfully,

Christopher Riordan

Christopher Riordan, AICP
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