

REQUESTED WAIVERS THROUGH STATE DENSITY BONUS LAW

Short title	Town Code or Standard	Requirement	Proposal	Justification Provided by Applicant
Building Height	29.60.440	35 ft max in the CH Zone	37 feet, four and one-half inches	SummerHill respectfully requests a waiver or reduction of development standards to increase the height limit from 35 feet to approximately 40 feet, in order to accommodate a Mission-style architectural aesthetic with low-sloping gabled and hipped roofs, consistent with the architectural styles of the nearby neighborhoods. It is not physically possible to include a Mission-style roof with hips and gables and comply with the 35-foot height limit without decreasing the number of floors or substantially reducing the ceiling heights, neither of which is consistent with the project as proposed and the project objectives. Increasing the height limit to approximately 40 feet would allow a Mission style roof with hips and gables without having a significant impact on the surrounding neighborhood or the public.
Private Open Space	29.10.065 (1)	Private open space. Each ground floor dwelling unit shall have a minimum of two hundred (200) square feet of outdoor usable open space in the form of a single enclosed patio or deck located essentially at the level of the main living area. The minimum horizontal dimension for a patio is ten (10) feet and for a balcony is six (6) feet.	150 square feet per unit average with minimum dimension of three feet.	SummerHill respectfully requests a waiver or reduction of development standards to decrease the amount of private open space required for each unit and reduce the minimum dimension of private open space from 6 feet (or 10 feet at ground level) to 3 feet. Each unit will have a private deck or patio to use as private open space. However, it is not physically possible to provide 100 square feet of private open space for each unit (or 200 square feet at ground level) with a minimum dimension of 6 feet (or 10 feet at ground level) without substantially reducing the living area of the units or eliminating units, neither of which is consistent with the project as proposed or with the project objectives. Furthermore, eliminating units would reduce the number of BMP units provided by the project, which would conflict with the Town's obligation to affirmatively further fair housing. SummerHill proposes to provide a patio or deck for each unit with a minimum dimension of 3 feet and a minimum area of approximately 32 square feet, with an overall average area of approximately 150 square feet per unit.
Short-Term Bicycle Parking	ODS A.2.2 (1/unit)	Short-term bicycle parking shall be provided at a rate of one space per dwelling unit and one space per 2,000 square feet of non-residential floor area.	155 units X 1 space per unit = 155 spaces	36 spaces
Setbacks	29.60.435 (rear = 20 ft)	20 feet requirement for rear setback along those property lines which abut or are across from a lot in a residential zone. Plus one foot for each foot of building height over twenty feet.	14.6 feet at Building 25	SummerHill respectfully requests a waiver or reduction of development standards to reduce the setback requirement along the shared property line with Los Gatos High School. Section 29.60.435 of the Town Code states that a rear setback of 20 feet plus 1 foot for each foot of building height over 20 feet is required for rear yards which abut a lot in a residential zone. Although Los Gatos High School is an institutional use, the high school property is in the R1:20 residential zone. It is not physically possible to comply with the rear setback requirement without eliminating units or reducing floor area, which is not consistent with the project as proposed or the project objectives. Furthermore, as noted above, eliminating units would reduce the number of BMP units, which would conflict with the Town's obligation to affirmatively further fair housing.
Alley Widths	29.10.155 (c)(4), 29.10.06703, Town Standar Plans ST-262 and ST-263	29.10.06703: Alleys shall have a right-of-way width of not less than thirty (30) feet and roadway width of not less than twenty-four (24) feet. 29.10.155 (c)(4): Driveways which serve more than twenty-five (25) parking spaces shall be at least twelve (12) feet wide if they provide either ingress or egress only, and not less than twenty-two (22) feet wide if they provide both ingress and egress.	ST-262 and ST-263: Aisle width of 25 feet for 90-degree parking.	Private alleys range in width from 20 to 26 feet
Setbacks Above Second Floor	ODS B.1.2 (stepback 5 ft)	Upper floors above two stories shall be set back by a minimum of five feet from the ground-floor façade.	No upper floor setback	SummerHill respectfully requests a waiver or reduction of development standards to reduce or eliminate the additional third-floor setback. Objective Design Standard B.1.2 requires floors above two stories to be set back by a minimum of five feet from the ground-floor façade. It is not physically possible to provide the additional setback without eliminating units or reducing floor area, which is not consistent with the project as proposed or the project objectives. Furthermore, as noted above, eliminating units would reduce the number of BMP units, which would conflict with the Town's obligation to affirmatively further fair housing.
Retaining Wall Lengths	ODS A.10.2	Retaining walls shall not run in a straight continuous direction for more than 50 feet without including the following: a. A break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and b. Landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall.	One wall at 153 feet without a break.	SummerHill respectfully requests a waiver or reduction of development standards to allow certain sections of retaining wall along the property line to run in a straight continuous direction for more than 50 feet without breaks, offsets, landscape pockets, or landscaping. Objective Design Standard A.10.2 states that retaining walls shall not run in a straight continuous direction for more than 50 feet without including both (a) a break, offset, or landscape pocket in the wall plane of at least three feet in length and two feet in depth; and (b) landscaping at a minimum height of three feet at the time of installation along a minimum of 60 percent of the total length of the retaining wall. All of the proposed retaining walls would comply with Standard A.10.2, with the exception of a 153-foot long retaining wall located along the frontage of the Highway 17 offramp. It is not physically possible to provide a break, offset or landscape pocket in the wall or install landscaping along the wall, because the grade at the base of the wall is located off-site, and shifting the retaining wall on-site would create inaccessible landscape pockets and reduce the amount of space available for the proposed units, which would cause a reduction in floor area or the number of units, which is not consistent with the project as proposed or the project objectives. Furthermore, as noted above, reducing the total number of units would reduce the number of BMP units, which would conflict with the Town's obligation to affirmatively further fair housing.
Fence/wall in Setback along a Street	29.50.035 and ODS A.9.1	29.50.035: Fencing is not permitted in required front yards or required yards abutting a street in any nonresidential zone, except walls or fences not over three (3) feet high may be erected to screen on-site parking spaces from the street. ODS A.9.1: Fences, walls, and gates within required setbacks along all street frontages are prohibited unless used to screen on-site parking spaces from view from the street.	Fence located in required setback along Highway 17 offramp.	SummerHill respectfully requests a waiver or reduction of development standards in order to allow a fence or wall within the required setback area facing the Highway 17 offramp and the section of Los Gatos-Saratoga Road west of the entry to the project site. Section 29.50.035 of the Town Code and Objective Design Standard A9.1 do not allow fences or walls within required setbacks along street frontages, except in limited situations. SummerHill proposes to install a 7-foot tall wood fence (6 feet of solid wood plus one foot of lattice) and an 8-foot tall wood fence (7 feet of solid wood plus one foot of lattice) within the required setbacks along the frontage of the Highway 17 offramp and the frontage of Los Gatos-Saratoga Road west of the entry to the project. The fences are physically necessary to provide privacy for the residents, safety for residents and the public while using the proposed bike and pedestrian path along the frontage, and reduction of noise from Highway 17, consistent with the project as proposed and the project objectives. It is not physically possible to provide the privacy, safety and quiet required for the project without the proposed fences.
Utility Box Screening	ODS A.7.3	Street-level views of ground level utility cabinets, mechanical equipment, trash, and service areas shall be screened from sight with landscape planting, fencing, or a wall, as allowed by the Town Code. The screening shall be at least the same height as the item being screened and screening that is not landscape material shall be constructed with one or more of the materials used on the primary building.	Above-ground utility boxes without screening.	SummerHill respectfully requests a waiver or reduction of development standards to allow partial screening of ground-level utility cabinets. Objective Design Standard A.7.3 requires street-level views of ground-level utility cabinets to be screened from sight with landscape planting, fencing, or a wall. SummerHill proposes to use a combination of fences and landscape planting to partially screen groundlevel utility cabinets from sight. However, due to public utility requirements for clear access and Town requirements for sight distance at intersections, it is not physically possible for the project to fully screen the utility cabinets without eliminating units or reducing floor area, which is not consistent with the project as proposed or the project objectives. Furthermore, as noted above, eliminating units would reduce the number of BMP units, which would conflict with the Town's goal to affirmatively further fair housing.
Variation in Building Mass	ODS B.4.1.a	Buildings greater than two stories shall be designed to differentiate the base, middle, and top of the building on any street-facing façade. Each of these elements shall be distinguished from one another using at least two of the following solutions: a. Variation in building mass for a minimum of 60 percent of the length of the street-facing façade through changes in the façade plane that protrude or recess with a minimum dimension of two feet;		SummerHill respectfully requests a waiver or reduction of development standards to allow alternate techniques for differentiating between the base, middle and top of the alley-facing façades. Objective Design Standard B.4.1 requires that the project use at least two specified architectural techniques to differentiate the base, middle and top of each street-facing façade. The project complies with Standard B.4.1 with respect to all façades that face public streets. However, with respect to façades that face internal private alleys, the project uses different techniques to differentiate the base, middle and top of the façades. For example, the project uses variations in building mass that protrude or recess 18 inches from the façade, rather than 24 inches. While these alternate techniques meet the spirit of Standard B.4.1, it is not physically possible to fully comply with Standard B.4.1 with respect to the alley-facing façades without eliminating units or reducing floor area, which is not consistent with the project as proposed or the project objectives. Furthermore, as noted above, eliminating units would reduce the number of BMP units, which would conflict with the Town's obligation to affirmatively further fair housing.
Tandem Parking	Division 4, Parking	Two parking spaces in a private garage require interior clear dimension of 20 feet by 20 feet, which does not accommodate a tandem configuration.	Tandem configuration.	SummerHill respectfully requests that the Town allow SummerHill to use tandem parking spaces to meet the Town's parking requirements. SummerHill proposes to use a tandem configuration for the attached two-car garage for 31 of the two-bedroom units, consistent with the State Density Bonus Law. All other garages will have side-by-side configurations consistent with Town standards.

*This Page
Intentionally
Left Blank*