

16492 Los Gatos Boulevard**Summary of Density Bonus Law (DBL) Incentive/Concession And Waiver Requests**

#	Relevant Standard or Other	Description of Standard	Incentive / Concession or Waiver?	Basis
1	Town Zoning Ordinance Section 29.60.225. Setback Requirements In HEOZ / C-1 Zone.	<p>Pursuant to Section 29.60.225, the following minimum yard requirements apply along those property lines which abut or are across the street from a lot in a residential zone.</p> <p>Required Without Waiver:Side: 20', Rear 20'</p>	Waiver	<p>Complying with the Town's setback requirements would physically preclude construction of the project at its proposed density / total unit count as the project is designed. (See Gov. Code § 65915(e)(1); and Bankers Hill 150 v. City of San Diego (2022) 74 Cal.App.5th 755, 775.) The Applicant proposes side and rear setback reductions which would result in setbacks ranging from 15' to 5' 1" as indicated on the enclosed plan set, which would accommodate the project at its proposed density.</p> <p>Only two short portions of the side yards proposed as part of the project would not comply.</p>

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2	Objective Design Standard A8 Landscaping and Screening.	Standard A8.2 requires a 10 foot landscape buffer when abutting a residential zone.	Waiver	Application of the landscape buffer for the entirety of the shared property line with the project's residential neighbors would physically preclude construction of the project at its proposed density as designed. (See id.)
3	Objective Design Standard A11, Landscaped, Private, and Community Recreation Spaces	Standard A11 provides that ground floor units should have 120 square feet of private outdoor area.	Waiver	Application of the private open space requirement on the ground floor would physically preclude construction of the project at its proposed density as designed. (See id.) The private recreational space from project townhomes will be located on the second floor balcony, which is the same level as the living room and kitchen, where most entertainment will occur.

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4	Objective Design Standard B1.2, Building Design	Standard B1.2 requires upper floors above 2 stories to be set back a minimum of 5 ft from ground-floor façade.	Waiver	Application of this building design standard would physically preclude construcion of the project at its proposed density as designed. (See id.) Instead of setting back the façade wall on the third floor, the proposed design has recessed the second floor façade back to accommodate the balcony and break up the building façade. Requiring third floor balconies to be further recessed would reduce available bedroom footprints and living space.
5	Objective Design Standard B4.11, Façade Design and Articulation	Standard B4.11 provides that balconies on the façade facing the street shall be without projections beyond the building footprint.	Waiver	Application of this façade design standard would physically preclude construction of the project at its proposed density as designed. (See id.) Cantilevered balcony amenity is a main design feature and requiring balcony to be located within building footprint would significantly reduce unit area and living space.

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6	Objective Design Standa	Standard B4.3 provides that street-facing façade plans shall be provided for buildings greater than one story by incorporating a combination of architectural components to achieve 16 poitns.	Waiver	Application of this façade design standard would physically preclude construction of the project at its proposed density as designed. (See id.)