

Incentive/Waiver Justification
Bertolucci's Project
December 1, 2022

The project is seeking the State Density Bonus Law to seek incentives and/or waivers for the following development standards. The California State Density Bonus Law allows for waivers from development standards. Pursuant to Government Code 65915 (e)(1), waiver or reduction of development standards that would have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section. The applicant is requesting **six** waivers:

1. SSFMC Section 20.090.003(E)(2) (Development Standards – Street Frontages): Buildings shall be constructed at the required setback for at least 65 percent of linear street frontage. - Used to be "Build-to Line"

We generally meet the spirit of this requirement. Our reasoning for an eight-inch step back is to break up the façade and create a visually interesting building. Furthermore, this recess allows a wider sidewalk surface along this frontage and creates an additional buffer for any trimwork and decorative elements on the façade from encroaching beyond the property line.

- a. Required – Build to property line for at least 65% of linear street frontage
 - b. Provided – Approximately eight inches away from the property line on Lux and Cypress Avenue.
2. SSFMC Section 20.090.003(G) (Development Standards – Corner Build Area): Buildings must be located in accordance with the required setbacks within 30 feet of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza.

The site is located off of the primary corridors. We are of the opinion that if the site was adjacent to a prominent corner, this corner build area requirement would be appropriate as it would create a plaza and a sense of entry to the building. As such, the site, or its surroundings, as constrained as it is, will not benefit from this generous setback; in fact, it would result in a loss of units and reduction in ground floor active space.

- a. Required – Setbacks within 30' of every corner
 - b. Provided – Plaza is approximately 14'-10" from Cypress Ave
3. SSFMC Table 20.090.003 (Development Standards – Downtown Station Area Zoning Districts): Minimum usable open space provided shall be at minimum 100 sq. ft. per residential unit.

The project is providing abundant open space—both private and common. We are also of the opinion that the downtown and the amenities it has to offer will be used as open space for the building's residents. Often with multi-family buildings both private and common open space is under-utilized and languishes. The proposed project's open spaces are efficient and well-designed by our landscape architect and will provide quality open space.

- a. Required – Min. 100 SF / Unit (9900 SF)

b. Provided – 95 SF/Unit (95% Compliance) (9425 SF)

4. SSFMC Sections 20.090.003(E)(1) (Development Standards – Transitional Standards) and 20.310.004(B)(5) (Multi-Family Residential and Residential Mixed-Use Design – Transitional Standards): Where a development abuts another district with a lower maximum height, the following standards apply: (a) the maximum height within 40 feet of the abutting district is equal to that of the abutting district; (b) the maximum height within 50 feet of the abutting district is an addition 10 feet or the maximum allowed height for that district, whichever is lower.

The project abuts a mixed-use district (DRC), which has a height limit similar to our district. The intent of this requirement is to create a gentle transition from high/medium density areas to lower density neighborhoods and/or single-family zones. As such, the 20-foot setback is not warranted in this situation. The building is proposed to be slightly below 85' in height, which is 20' taller than the DRC height limit. Complying with this transitional standard will result in a loss of units.

- a. Required – 0; 10' when abutting residential district; DRC needs 20' rear setback and 65' building height to match adjacent DRC district for the first 40' and 75' building height within the 50' setback of adjacent DRC district
 - b. Provided – 0
85' in building height (no step-down transition)
5. SSFMC Section 20.310.004(E)(9)(a) (Development Standards – Roofline Form and Variation, Parapet): When used on the first floor or second floor, a parapet longer than 50 feet in length must include a step, curve, angle, or other motif to break up the length of the parapet.
- a. Required – Break every 50'
 - b. Provided – Longest parapet without break is at 57'-6"

The proposed façade does not meet this requirement by 7'-6". Given the site constraints, our design proposes symmetrical and proportionate variation in the parapet/cornice and roofline. At the third-floor level and above, we break up roof lines at intervals no greater than 50 linear feet by changes in direction, pitch, or similar approaches. Moreover, the proposed design received positive feedback from the Design Review Board.

6. SSFMC Section 20.310.005(G)(3) (Development Standards – Required Public Open Space): New buildings on lots greater than 15,000 square feet shall provide a plaza, widened sidewalk, or outdoor dining area, which provides public seating, is accessible from the public sidewalk, and is a minimum size of 600 square feet with minimum dimensions of 15 feet.

The proposed project will provide wider sidewalks and an outdoor dining area, which will be open to the public, accessed from the sidewalk. The total area of the outdoor dining area will be 550 square feet, with the approximate dimensions being approximately 14'-10" x 34'-11". The current sidewalk width on Cypress Avenue is 10 feet and the proposed width will be 10 feet. The current sidewalk width on Lux

Avenue is 12 feet and the proposed width will be 12 feet. Additionally, we are eliminating two curbcuts along Lux Avenue, which will eliminate any conflicts between vehicles exiting the property and the pedestrian realm. We will also be providing a bulbout at the Cypress and Lux Southwest intersection, which is expected to improve pedestrian access and safety.