

Application #: 241320
APN: 025-351-19
Owner: Parise Pak

Residential Density Bonus Findings

- 1) The housing development is eligible for the density bonus and any incentives, concessions, parking reductions or waivers requested.

This finding can be made, in that the project proposes to construct a 100% affordable (deed restricted) housing development. The project is therefore eligible for unlimited waivers and up to five incentives based on the current SDBL. The project includes a request for 15 waivers and two incentives.

- 2) Any requested incentive or concession will result in identifiable and actual cost reductions.

This finding can be made, in that the requested incentives to revise the sidewalk design along 124 feet +/- of Soquel Drive and reduction to the number of replacement trees would result in a cost reduction to the project. Local agencies are precluded from requiring density bonus applicants to submit pro formas or other documentation to prove that requested incentives are necessary to make the housing development financially feasible.

- 3) If the density bonus is based all or in part on donation of land, a finding that all the requirements included in SCCC 17.12.070 have been met.

This finding does not apply to this project, which did not apply for a density bonus based on donation of land offsite for the development of at least 40 affordable units.

- 4) If the density bonus or incentive is based all or in part on the inclusion of a childcare facility, a finding that all the requirements included in SCCC 17.12.080 have been met.

This finding is not applicable in that the requested incentives are not based on the inclusion of a childcare facility.

- 5) If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, a finding that all the requirements included in Government Code Section 65915.5 have been met.

This finding is not applicable in that the requested incentives are not based on the inclusion of affordable units within a condominium conversion project.

- 6) If an incentive includes mixed-use development, a finding that nonresidential land uses will reduce the cost of the housing development and that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area.

This finding is not applicable because the portion of the site where the commercial space will be built is already zoned for commercial use (C-2), therefore no incentive was required to allow this commercial use within the project. In fact, a commercial use is required to be included within the project for consistency with the C-2 zoning.

- 7) If a waiver is requested, a finding that the development standards for which the waiver is requested would have the effect of physically precluding the construction of the housing development with the density bonus and incentives and concessions permitted.

This finding can be made, in that several waivers are being requested which are provided below:

- a) Reduction of minimum density standard from 34 to 28 dwelling units (du)/acre. A reduction to the required provision of 75% of the minimum density prescribed in General Plan Policy HE-1.3;
- b) Increase in permitted building height from 40 to 69 feet (SCCC 13.10.323-2, 13.10.333-1);
- c) Increase in permitted number of stories from 3 to 4-5 (SCCC 13.10.323-2, 13.10.333-1);
- d) Reduction in minimum front yard setback from 10 to 6.5 feet (Soquel Drive) (SCCC 13.10.333-1);
- e) Reduction to minimum street side setback from 8 to ~~2.9~~ **6** feet (Thurber Lane) (SCCC 13.10.323-1, 13.10.333);
- f) Waiver of third story inset/stepbacks requirement (SCCC 13.10.323-2, 13.10.333);
- g) Increase allowed percentage of residential use from 80 to 98.2% (SCCC 13.10.332.1);
- h) Decrease commercial frontage from 50% to ~~30.6~~ **19.4**% on Thurber Lane 50% and ~~3.8~~ **46.2**% on Soquel Drive (SCCC 13.10.334(C));
- i) Decrease minimum common usable open space from 15% to 5% or 12,759 square feet (SCCC 13.10.323-3);
- j) Exception to allow tandem parking (SCCC 13.16.070);
- k) Reduction of minimum parking lot shade coverage from 50% to 48% (SCCC 13.16.060);
- l) Reduction of minimum parking lot trees of a minimum of one tree per 5 parking spaces (37.8 trees) by 10.8 trees for a total of 27 trees (SCCC 13.16.050);
- m) Reduction of minimum pathway width from 10 to 6 feet (SCCC 15.05.060);
- n) Exception to driveway alignment on Soquel Drive-proposed driveway alignment is located east of Chanticleer Drive to avoid hazardous turning movement conflicts (County Design Criteria, part 6, section B.1); and
- o) Elimination of requirement for planting of street trees along Thurber Lane and Soquel Drive due to conflicts with existing utility lines to remain in the landscape strip (County Design Criteria Figure ST-1b).

In order to allow the project at its proposed size of 173 multifamily affordable rental units (including 2 manager units), these waivers are required. Granting these waivers is appropriate given that the parcel is constrained due to the existence of approximately two acres of riparian

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corridor bisecting the project site, effectively reducing the potential to distribute the proposed number of units and necessary site improvements such as access, parking, and open space. Additionally, the residential units would contain bedrooms of a typical size as is required by the project's funding sources, and the proposed waivers are reasonable given the constraints of the site. Further, state law prohibits a jurisdiction from applying development standards that would preclude the proposed housing units, unless there are health and safety concerns that can otherwise be mitigated, there is an impact to an historic resource, or the waiver would be inconsistent with state law.