

based upon this rationale consistent with the provisions of the Density Bonus Law. The actual dimensions and areas associated with the requested concession are as follows:

Net Lot Area

- Reduced from 3,950 s.f. to a minimum of 2,740 s.f.

Setbacks

- Front Yard – Reduced from 20 feet to 13 – 15 feet. However, garage setbacks are 20 feet uniformly providing for 20-foot deep driveways.
- Side Yard – Reduced from 10 feet to 3 feet. However, street side setbacks fronting Daphne Street are 5 feet minimum.
- Rear Yard – Reduced from 20 feet to 10 feet. However, Lot 3 is proposed to be deed restricted through Conditions, Covenants, and Restrictions (CC&Rs) to maintain a buffer trellis on top of the project's rear yard fencing as shown on the project landscape drawings (reference Exhibit PC-7). The buffer trellis is intended to buffer the proximity of the proposed Lot 3 residential unit from the nearest existing residential unit, which is located at 161 Daphne Street.

Lot Coverage

- Increased from 40% to a maximum of 55.3%.

Floor Area Ratio

- Increased from 0.6 to a maximum of 0.83.

The requested concession to development standards does not apply to structural height and the project's residential unit design conforms to the applicable height limit of 26 feet to the highest pitched roof element for all of the units. The project's height conformation is based upon the finished pad grades that are proposed to be established by the associated Tentative Map. In addition, it should be noted the provisions of Municipal Code Section 30.16.010.B.12. applicable to the RS-11 zone allow a 25% reduction in the front yard setback dimension for 50% of the units in a new residential development, provided a minimum 20-foot setback is maintained to the face of the garage door access. Accordingly, a 15-foot front setback would be available to as many as half of the units of a conventional non-density bonus project within the same Zone. As shown above, the requested concession would reduce the front yard setbacks to a range of approximately 13 – 15 feet for all of the 10 units. However, the project will maintain a minimum setback/driveway depth of 20 feet to the face of each of the unit garages.

Lastly, it should also be noted that the provisions of Sections 65915(e) and (f) of the Density Bonus Law restrict permit authorities from applying any Development Standard that would have the effect of precluding the developer from constructing a density bonus project with the concessions to development standards that are available to the project. Accordingly, a developer may request a "waiver" of an unlimited number of Development Standards that are shown as necessary to make the project economically feasible. As defined under Section 65915(o)(l) of the Density Bonus Law, a "Development Standard" is defined as any "...site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation." Other practitioners and