

ACACIA AVENUE

Incentives and Concessions & Waiver or Reductions of Development Standards

The project is requesting and entitled to the incentives and concessions identified below.

Incentive/Concession

1. The project is also requesting a concession from Section **18.40.230 Rooftop Gardens (f)** (15 to 20% landscaping requirement)

The project is requesting an incentive/concession from this requirement as providing the requested landscaping on the individual roof decks would substantially increase the cost of the project. Note landscaping on individual rooftop decks would produce identifiable and actual cost reductions.

Waivers/Reductions

RM_30 Development Standards (18.13.040 of the Municipal Code)

2. Site Coverage (Max 40%)

Waiver requested to exceed the Max. site coverage allowance to achieve the proposed and allowed General Plan land use density. Proposed coverage on the RM30 zoned area is 49 %

3. FAR (0.6:1)

Waiver requested to exceed the Max. FAR allowance to achieve the proposed and allowed General Plan land use density. Proposed FAR on the RM30 zoned area is 1.4:1

4. Front Setback (20')

Waiver requested to reduce the front setback from 20' to 9.5' to achieve the proposed and allowed General Plan land use density. The waiver is required to accommodate the required parking dimensions, access to the units and also to avoid encroachment into the R-1 portion of the site.

5. Height (35' max.)

Waiver requested for increased height allowance. Proposed height is +/- 44' -2" The proposed project uses compact footprints to achieve the proposed and allowed General Plan land use density. The city requires that all residential units comply with a minimum

amount of private open space, which the project provides using roof decks. The roof decks are located on top of the third floor and require access, increasing the height of the building above the allowable height. Providing the private open space through ground level patios would increase the building/development footprint, effectively reducing the proposed and allowed project density.

6. 32' wide Private Street Requirement:

The project is requesting a waiver from this development regulation as it would reduce the allowable buildable area. The proposed alleys are 22' wide and increasing them to 32' would limit the amount of land left for the buildings. Furthermore, the proposed plans have been preliminary vetted with the Fire Department and complies with their requirement for access.

7. The project is also requesting a waiver from 18.40.230 Rooftop Gardens

(a)(iii) *For the height limit exceptions in (i) and (ii) above, all fixtures shall not intersect a plane measured at a forty-five degree angle from the edge of the building starting at the rooftop garden surface sloping upward and inward toward the center of the property.*

The project is requesting a waiver from the requirement as this would require the units to be much wider than currently planned and therefore would preclude the project from being built at the proposed and allowable General Plan density.

In addition to the waivers and concessions requested to the RM-30 Development Standards the applicant is also requesting waivers and concessions from the "Objective Standards" listed in Chapter 18.24 of Palo Alto's Municipal code.

Chapter 18.24

Contextual Design Criteria and Objective Design Standards

(4) Mobility Infrastructure

(A) Where provided or required, micromobility infrastructure, such as locations to lock bicycles and scooters, shall be located within 30 feet of the primary building entry and/or a path leading to the primary building entry. This standard may be satisfied by existing infrastructure already located within 50 feet of the project site and located in the public right-of-way.

This requirement is not objective because subjective judgment is required to determine where micro mobility infrastructure is required and what constitutes a primary building entry and neither are uniformly verifiable by reference to an external and uniform benchmark. In addition, the project has multiple primary entries these are townhomes.

However since the project does provide bike racks in the community open space area, a central located common area and accessible from all units. Since the project has multiple (16) primary units it is not possible to be within 30 feet from all entries. We feel that by providing the bike racks in a central location we do meet the intent of the standard to provide bike racks in a convenient location, that is easily accessible by all users.

(B) Primary building entries shall provide at least one exterior seating area or bench within 30 feet of building entry and/or path leading to building entry. This standard may be satisfied by existing seating area or benches located in public right-of-way within 50 feet of the building entry. On arterials—except Downtown—seating areas or benches shall not be located between the sidewalk and curb. Arterial roadways are identified in Map T-5 of the Comprehensive Plan and do not include residential arterials.

This requirement is not objective because subjective judgment is required to determine what constitutes a primary building entry and what constitutes a seating area, and neither are uniformly verifiable by reference to an external and uniform benchmark. In addition, the project has multiple primary entries since these are townhomes.

However since the project does provide benches in the community open space area, a central located common area and accessible from all units. Since the project has multiple (16) primary units it is not possible to be within 30 feet from all entries. We feel that by providing the benches in a central location we do meet the intent of the standard to provide an exterior area/bench in a convenient location, that is easily accessible by all users.

18.24.040 Building Orientation and Setbacks

(4) Ground Floor Residential Units

The finished floor of ground floor residential units, when adjacent to a public right-of-way, shall be within the minimum and maximum heights according to setback distance from back of walk identified in Figure 2. On sites with a cross slope greater than 2% along a building façade, the average height of the finished floor and back of walk shall be used. In flood zones, the minimum floor height shall be defined by the Federal Emergency Management Agency (FEMA) flood zone elevation. **Waiver requested. Finished floor is 9.5' from the public right of way and would need to be at 2'-8" above the grade. This waiver request is made because increases to the finished floor height above the current level contribute to additional height to the project, further exceeding the height limitation. Additionally raising the ground floor of the units would require steps to the units from the walkways and the garage. This would require additional space on the outside on the walkways and within the units to accommodate those steps, increasing the individual unit footprints and thus reducing the overall development opportunity as each of the units would increase in depth or width. Otherwise the buildings would need to be setback**

nearly 20'-0" to be built as proposed, which would limit the area that can be built on, therefore a waiver is requested to accommodate the proposed and allowed development.