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December 18, 2024

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**VIA E-MAIL**

Jared Hildenbrand  
City Manager  
City of Laguna Hills  
24035 El Toro Road  
Laguna Hills, CA 92653

Re: 23161 Mill Creek Drive Density Bonus Law Request Letter

Dear Mr. Hildenbrand:

Buchalter, a Professional Corporation, represents Toll Bros. Inc. (“Toll Brothers”) with respect to its plans its entitlement process for the proposed development of 36 townhomes or duplex units, roadways, and associated infrastructure (the “Project,” more specifically defined below). Toll Brothers proposes to develop the Project on the property located at 23161 Mill Creek Drive, identified as APN 588-142-07 (the “Property”), in the City of Laguna Hills (the “City”). The Property is approximately 2.43 gross acres in size. On behalf of Toll Brothers, we are submitting this preliminary application for the Project in accordance with Senate Bill 330 (“SB 330”), otherwise known as the Housing Crisis Act. A deposit check in the amount of \$30,000 will be included with this package. Please contact Aylene Chu at Toll Brothers to arrange for any reimbursement for any remainder that is not used as part of this application, or if additional fees are required. Toll Brothers will furnish this deposit as part of this submittal.

**The Project**

Toll Brothers proposes to demolish the existing three-story office building and surface parking lot on the Property and to develop it with 36 duplexes (i.e., 36 two-single family townhome units), six driveway parking stalls, and 18 guest parking spaces at a density of approximately 12.5 units per acre (the “Mill Creek Project” or “Project”). Two units will be deed-restricted as affordable for very low-income households which amounts to 5.5% of the total Project. Because more than 5% of the units will be set aside for very low-income households, the Project will qualify for the State Density Bonus Law. (Gov. Code, § 65915(b)(1)(B).) To that end, Toll Brothers will seek waivers of the development standards identified below, in addition to a concession granted pursuant to the Density Bonus Law.

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## Density Bonus Law

The State Density Bonus Law (Government Code section 65915 *et seq.*) allows projects that provide a specified number of units as affordable for lower-income households to obtain a density bonus, if elected, and to request waivers of development standards and other incentives or concessions. The Density Bonus Law requires a local agency to waive development standards that would physically preclude development of the project at the density provided under the law, if requested by an applicant. (Gov. Code, § 65915(e)(1).) With respect to very low-income units, the Density Bonus Law requires a project to provide at least 5% of the total units as affordable to very low-income households to qualify for the benefits of the Density Bonus Law. (Gov. Code, § 65915(b)(1)(B).) Consequently, by providing the two units as affordable for very low-income households, the Project qualifies for the benefits of the Density Bonus Law.

At 14.8 units per acre, the Project is consistent with the applicable density limit of 20 units per acre. Although Toll Brothers is not seeking a density bonus to increase the density, it is seeking the following waivers of development and design standards<sup>1</sup> that would otherwise physically preclude development of the Project at the proposed density:

- **Setbacks.** The Project requires reductions in the following setbacks. Without these reductions, Toll Brothers cannot physically fit the 36 townhome units on the Property. Additional acreage is necessary to maximize the number of residential units and to be able to compensate for the loss of acreage associated with the setbacks in order to provide the affordable housing units. Therefore, unless otherwise reduced, these setbacks would physically preclude development of the Project. The requested setback reductions include:
  - *Rear*: reduction to 11 feet;
  - *Side*: reduction to 5 feet;
  - *Parking lot frontage*: reduction to 3.5 feet.
- **Building Separation.** The Project requires a reduction in the minimum building separation standard from 10 feet to 6 feet. Compliance with this standard will reduce the buildable area on the Property, thereby reducing the overall Project density and the ability to provide the affordable units. Thus, compliance with this standard physically precludes development of the Project at 14.8 units per acre.
- **Private Open Space.** Toll Brothers requests a waiver of the requirement that the Project provide 10% of private open space. The small parcel is constrained by steep slopes along its northern and southern boundaries, as well as along Mill

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<sup>1</sup> Unless otherwise indicated, the following development standards are required under Table 9-30.040 of the Laguna Hills Municipal Code (“L.H.M.C.”).

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Creek Drive, limiting the buildable area on the Property. Compliance with this standard would require dedicating land for open space instead of providing sufficient land for the proposed housing, infrastructure, or parking. Therefore, compliance with this standard would reduce the overall density of the Project and would physically preclude development of the Project in a manner consistent with the Project objectives.

The Objective Development Standards (“ODS”) requires all projects on sites of two or more acres in size to provide public open space of at least  $\frac{1}{4}$  of the minimum open space required for the project under the L.H.M.C. As detailed above, the L.H.M.C. requires developments in the *MXU* to preserve at least 10% of the project site as private open space. For the same reasons identified above explaining why a private open space waiver is required, a waiver is requested to eliminate the public open space requirement. The small parcel is constrained by steep slopes along its northern and southern boundaries, as well as along Mill Creek Drive, limiting the buildable area on the Property. Compliance with this standard would require dedicating land for open space where either housing, infrastructure, or parking is planned. Therefore, compliance with this standard would reduce the overall density of the Project and therefore would physically preclude development of the Project.

- **Common Open Space.** Section 2.5.2 of the ODS requires projects of greater than five dwelling units to dedicate at least 50% of the required open space as common open space (public open space may be counted towards the common open space requirement). For the same reasons identified above detailing why private and public open space waivers are required, a waiver is requested for the public open space requirement. The small parcel is constrained by steep slopes along its northern and southern boundaries, as well as along Mill Creek Drive, limiting the buildable area on the Property. Compliance with this standard would require dedicating land for open space where either housing, infrastructure, or parking is planned. Therefore, compliance with this standard would reduce the overall density of the Project and therefore would physically preclude development of the Project.
- **Landscape Coverage.** Toll Brothers requests a waiver of the City’s requirement that the Project provide at least 10% of landscape coverage. Reserving at least 10% of the Property for landscaping would reduce the buildable area for housing and would otherwise reduce the availability of infrastructure and vehicle parking. This would result in fewer dwelling units, physically precluding development of the Project at the proposed density.

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- **Maximum Block Size.** Section 2.1.1 of the ODS caps block sizes at a maximum of 800 feet long, or 2,800 feet of perimeter. This standard requires a “mid-block connection” of either a publicly accessible right-of-way or a pedestrian path. The longest dimension within the Project exceeds 800 feet. Providing a mid-block connection would eliminate several proposed dwelling units, which cannot otherwise be relocated. Compliance with this design standard would physically preclude development of the Project at the proposed density by reducing the overall number of dwelling units.
- **Mid-Block Connection.** Section 2.1.2 of the ODS requires a mid-block connection pedestrian path to be at least 8 feet wide, with 20 feet separating the buildings. As detailed above, providing a mid-block connection that conforms to this standard would eliminate several proposed dwelling units, which cannot otherwise be relocated. Compliance with this design standard would physically preclude development of the Project at the proposed density by reducing the overall number of dwelling units.
- **Pedestrian Connections.** Section 2.2.2 of the ODS requires primary entrances in buildings to be connected to a public sideway or pathway at least 4 feet wide (for entrances serving one-to-two units). While Toll Brothers intends to comply with this standard, where feasible, it requests a waiver of this standard. Where compliance is infeasible, the Project will provide 3-foot wide entrances. Compliance with this standard will reduce the developable area for the townhome units. Thus, this standard physically precludes development of the Project at the proposed density.
- **Pedestrian Pathways.** Section 2.8.1 of the ODS requires all buildings, entries, facilities to be internally connected with a minimum four-foot wide pedestrian pathway or pathway network. Additional requirements include that pedestrian pathways be separated by vehicular circulation by a physical barrier and that pathways are adjacent to a four-foot minimum width planted area. Pedestrian pathways longer than 200 feet must provide amenities that include trellises and/or benches. As detailed above, Toll Brothers will comply with the four-foot wide pathways to entrances, where feasible. Where compliance is infeasible, the Project will provide 3-foot wide entrances. Compliance with this standard will reduce the developable area for the townhome units. Thus, this standard physically precludes development of the Project at the proposed density.
- **Pedestrian Access Standards.** Section 9-44.060(A)(4) prohibits direct access to a parking lot or parking stall from a public roadway. To meet City parking requirements, Toll Brothers is proposing to include three parking stalls at the

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entry roundabout which connects to Mill Creek Drive. Due to the physical site constraints, locating these required parking stalls inside the community would require elimination of some of the dwelling units on site. Therefore, compliance with this standard physically precludes development of the Project. A waiver of this standard is required.

- **Parking Ratio.** Table 9-44.A of the L.H.M.C. requires single-family attached residential uses to provide 0.3 unassigned parking stalls per dwelling unit.
- **Garage Dimensions.** Table 9-44.D of the L.H.M.C. requires garages to provide a standard stall size of 10 feet by 20 feet. The inclusion of space in the garage for refuse container storage and water heaters encroaches within these standard stall dimensions. Developing garage space that can accommodate both these stall dimensions, water heaters, and refuse container storage will require enlarging the garage and, therefore, each dwelling's footprint. The 36 townhomes could not fit on the Property with this standard implemented. Because this standard physically precludes development of the Project at the proposed density, Toll Brothers requests that the City waive this standard and instead allow Toll Brothers provide garage space with smaller dimensions that can fit water heaters and accommodate refuse container storage.
- **Street Width.** We understand that the City relies on the Orange County Facilities and Resources Department Standard Plans for Public Works. Public Works Standard 1107 requires local streets to provide 40-foot minimum widths curb to curb with 8-foot sidewalks and parkways on both sides. Adherence to this standard would significantly reduce the amount of Property area that Toll Brothers may develop the townhomes on. Therefore, this standard physically precludes development of the Project. Instead, Toll Brothers requests a waiver that allows a reduction in street width to 26 feet, curb to curb, with a sidewalk on one side.
- **Guard Gate Stacking Distance.** Orange County Public Works Standard 1107 requires guard gates to provide one foot of stacking distance per dwelling unit with a minimum of 100 feet. Compliance with this minimum stacking distance would require extending the guard gate into the community, pushing internal roadways further back and resulting in the elimination of some townhome units, physically precluding Project development at the proposed density. Toll Brothers requests a waiver of the standard to reduce the stacking distance to 95 feet.
- **Bicycle Parking.** Section 2.7.1.1 of the ODS requires residential developments to provide one short-term bicycle parking space for every 10 dwelling units within

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50-feet of the primary pedestrian building entrance. Compliance with this standard would require a total of four short-term bicycle racks, which would reduce the amount of buildable space that may be dedicated to the townhomes, therefore reducing the proposed residential density. Toll Brothers therefore requests a waiver of this standard.

- **Fence, Wall, and Hedge Development Standard.** Section 9-40.100 of the L.H.M.C. requires perimeter walls to be set by an 18-inch by eight-foot long landscaped recession. This standard additionally requires pilasters along walls at defined intervals. Compliance with this measure would require encroaching the wall setback into the buildable area, therefore reducing the number of townhomes and physically precluding development of the Project at the proposed density. Toll Brothers requests a waiver of these development standard and instead will provide a 20-foot high mechanically stabilized earth retaining wall along the street frontage with no proposed recessions and a five-foot fence atop the stabilized earth retaining wall. This will preclude the installation of pilasters.
- **Parking Facility Design Standards.** Section 9-44.060(G)(11) of the L.H.M.C., requires parking lots that abut a residential use to provide an extensive buffer consisting of a minimum five-foot wide planter and six-foot high solid masonry wall with screening vegetation. Subdivision H of this same section requires decorative paving materials for all permanent parking facilities. Installation of these screening features requires more space between the townhome units and the parking stalls than is physically available. Compliance would require elimination of some of the townhome units near the proposed parking stalls, physically precluding development of the Project. Toll Brothers requests a waiver of this standard and instead will install a tubular steel fence without enhanced paving.
- **Active Uses Floor to Floor Height.** Section 2.3.1.2 of the ODS requires the ground floor of residential units to have minimum floor-to-floor heights of 12 feet. Toll Brothers proposes reducing this height to nine feet to better fit within the scale and massing of the townhomes and offset the replacement of market rate units with the affordable units.
- **Massing.** Section 3.1 of the ODS requires residential projects to implement physical strategies that use building modulation, roof forms, and projections as detailed in the design standards. However, these measures are physically impossible to implement in these two-unit duplex buildings. Each building face is comprised primarily of the two garages for each unit. Complying with these massing requirements is physically impossible with the garage faces and would otherwise require elimination of at least one garage, if not an entire unit in each

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two-unit building. Toll Brothers requests a waiver of this design standard because it physically precludes development of the Project and would otherwise reduce the total number of proposed units if implemented.

- **Stepbacks.** Section 3.2.1 of the ODS requires floors above the lesser of two stories or 35 feet to provide a minimum 10-foot setback from the minimum setback line across at least 30% of the building frontage. Because these units sit on narrow footprints, each unit's primary living spaces can only be located on the second and third floors. Compliance with this standard would reduce the overall square footage of each unit, resulting in an elimination of third-floor bedrooms. Thus, implementation of this standard physically precludes development of the Project and Toll Brothers requests its waiver.
- **Window Alignment.** Section 3.5.1 of the ODS requires windows in opposing units facing each other within 40 feet to be offset by at least 20 feet. Because the proposed medium-density Project would be located on a physically constrained site, compliance with this standard is not feasible. Buildings with windows facing each other cannot be offset by 20 feet because the narrow footprint of each building limits the degree to which windows can be relocated. Otherwise, compliance with this standard may result in the elimination of windows or bedroom space entirely. Toll Brothers requests a waiver of this standard because compliance physically precludes development of the Project.
- **Façade Composition.** Section 3.8.1 of the ODS requires each building façade greater than 100 feet in length to include a minimum of two distinct façade compositions. As detailed above, the face of each duplex unit is primarily comprised of the garage. Compliance with this standard to modify the face of each building would require elimination of either an adjacent garage or an entire unit. A waiver of this standard is required because compliance would reduce the overall number of units proposed as part of this Project.
- **Entrance Types.** Section 3.9.1 of the ODS requires primary entrances for all residential buildings to face either a public sidewalk or pathway and that each entrance frontage adhere to one of several identified frontages. The proposed density on the physically constrained site precludes implementation of this standard. The only feasible method of placing these duplex units is to design them such that the garage and primary entrance front the Project's private drives. Toll Brothers requests a waiver of this standard because compliance would require elimination of an adjacent unit, reducing the Project's overall density.



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- **Parking & Access.** Section 3.9.3 of the ODS requires that the garage door of each unit to be located at least one foot behind each building's primary façade. The narrow footprint of each building limits the amount that each building's garage may be set back. Compliance with this measure would require additional square footage where the adjacent unit is otherwise proposed. Therefore, compliance with this measure would reduce the Project's overall density and Toll Brothers requests a waiver of this requirement.

These waivers would not have a specific, adverse impact to public health and safety. We appreciate the City's consideration of Toll Brothers' request for waivers from the applicable development standards for the Project. With the requested waivers, Toll Brothers will be able to develop the 36 townhomes, including two units affordable for very low-income households consistent with the City of Laguna Hills Housing Element.

Toll Brothers reserves the right to propose additional waivers of development standards or concessions in the future, should they come to Toll Brothers' attention. These waivers and concession are not only necessary to accommodate the two units affordable to very low-income households, but to also limit costs for the market-rate units. The market-rate units bring diversity to the City's housing stock by providing units that are ideal starter homes for young families.

We appreciate your consideration of our density bonus request and look forward to the expeditious processing of Toll Brothers' applications.

Sincerely,

BUCHALTER  
A Professional Corporation



Alicia Guerra

AG:nj

Attachment

cc: Jason Certilman  
Peter Kim  
Aylene Chu



23161 Mill Creek Waiver List

Item	City Objective Design Standards	City Code	Description	Waiver Request	Justification	Proposed Design
1		MXU Zoning 9-30.040 Development Standards	15' minimum building rear setback	Reduce setback to 10'	Without a reduced setback, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	10' minimum rear setback
2		MXU Zoning 9-30.040 Development Standards	5' minimum building interior side setback	Reduce setback to 5'	Without a reduced setback, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	5' minimum side setback
3		MXU Zoning 9-30.040 Development Standards	20' minimum parking lot front setback	Reduce setback to 3.5'	Without a reduced setback, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	3.5' minimum front setback from garage face to curb.
4		MXU Zoning 9-30.040 Development Standards	10' minimum building separation	Reduce to 6'	Without reducing building to building separation, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	6'-6" building separation for duplex units
5		MXU Zoning 9-30.040 Development Standards	10% minimum private open space	Remove requirement	Without reducing the minimum private open space acreage, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	
6		MXU Zoning 9-30.040 Development Standards	10% minimum landscape coverage	Remove requirement	Without reducing the minimum landscape coverage, the required density is physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	
7	2.1.1 Maximum Block Size		Maximum allowed block length of 800' or perimeter length of 2,800'	Remove requirement	A block wall length requirement makes the required density physically infeasible and a waiver is needed to construct this project.	Longest dimension exceeds 800' without mid block connection.
8	2.1.2 Mid-Block Connection		Required if block lengths exceeds maximum Block Length or Perimeter Length per 2.1.1 Minimum building width must be 20' and a pedestrian path of 8' must be provided	Remove requirement	A block wall length requirement makes the required density physically infeasible and a waiver is needed to construct this project.	No mid-block connection proposed
9	2.2.2 Pedestrian Connections		Primary entries to buildings or units shall be connected to a public sidewalk or publicly accessible pathway with a pedestrian pathway Entrances serving 1-2 units must have a minimum width of 4'	Remove requirement	Pedestrian connections in front of all buildings makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	4' sidewalk provided to portions of the units where achievable. Entrances serving units are 3' minimum.
10	2.5.1 Public Open Space	MXU Zoning 9-30.040 Development Standards	Required for projects greater than 2ac Minimum public open space shall be 1/4 of the minimum open space required. 10% of site area required as private open space per city code	Remove requirement	A public open space requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	No public open space proposed.
11	2.5.2 Common Open Space	MXU Zoning 9-30.040 Development Standards	50% of required open space is required as common open space. 10% of site area required as private open space per city code	Remove requirement	A common open space requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	0.24 ac required as common open space. No common open space proposed
12	2.8.1 Pedestrian Pathways		All on-site buildings, entries, facilities, amenities, and vehicular and bicycle parking areas shall be internally connected with a minimum 4' wide pedestrian pathway or pathway network. At least two amenities that include trellises and/or benches shall be provided on any pedestrian path longer than 200	Remove requirement	A pedestrian pathway requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	4' sidewalk provided to portions of the units where achievable. Entrances serving units are 3' minimum.
13		9-44.060 Design standards for parking facilities	A(4) Direct access to a parking lot or parking stall from a public roadway shall be prohibited, except for low-density residential uses	Remove requirement	The project is working to add parking where feasible. Adding parking stalls at the entry roundabout was suggested to add parking to the project.	Parking lot accessed directly off Mill Creek Dr
14		9-44.060 Table 9-44.A Number of parking stalls required	0.3 unassigned stalls required per dwelling unit	Meet State Density Bonus parking ratio, remove unassigned parking requirement	A parking stall requirement of 0.3 unassigned stalls per dwelling unit makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	100 spaces provided which is a combination of garage spaces, driveways and open guest parking stalls. Combined assigned and unassigned provided parking meets minimum required.
15		9-44.060 Table 9-44.D Number of parking stalls required	10' x 20' minimum garage dimension	Modify to allow encroachment for trash and water heaters	By restricting trash and water heater encroachment into the garage minimum dimension, the development would be physically infeasible and a waiver is needed to construct this project.	Trash and water heater encroach into minimum dimension
16		OCPW Std 1107	Local street: 40' minimum curb to curb with 8' sidewalk+parkway both sides	Modify to match City of Irvine Private Way	A reduced street width of 26' curb to curb will allow the development to meet the required density. Without this waiver this project would be physically infeasible. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	26' curb to curb with sidewalk on one side proposed.
17		OCPW Std 1107	Guard gate: 40' curb to curb with 8' sidewalk+parkway both sides; 100' minimum stacking distance	Modify to match City of Irvine Private Way, reduce stacking distance to 95'	A reduced minimum stacking distance is required to make this project physically feasible. A waiver is needed to construction this project.	95' stacking distance provided
18	2.7.1.1 Short-Term Bicycle Parking		Short-term bicycle parking shall be provided at a rate of one space per 10 dwelling units	Remove requirement	A short term bicycle parking requirement makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	4 bicycle spaces required, none provided.
19		9-40.100 Fences, walls, and hedges	Perimeter tract walls which are adjacent to a public street shall have articulated planes by providing, at a minimum for every one hundred (100) feet of continuous wall, an eighteen (18) inch deep by eight foot long landscaped recession. Walls should be constructed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every twenty-five (25) feet of continuous wall. Fences, walls, and hedges within the front yard setback shall not exceed 42" in height. The height of retaining walls in the front yard shall be less than 30" in height. The total wall height, including the retaining wall, shall not be greater than 42"	Remove requirement	A fence, wall and hedge requirement (9-40.100) makes the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	MSE planted wall proposed along street, no landscaped recessions proposed.  No pilasters proposed.  20' high MSE wall with 5' fence on top proposed

23161 Mill Creek Waiver List

Item	City Objective Design Standards	City Code	Description	Waiver Request	Justification	Proposed Design
20		9-44.060 Design standards for parking facilities	G(11) Where a parking lot abuts a residential use it shall be provided with an extensive buffer consisting of a minimum five foot wide planter and six foot high solid masonry wall/fence with screening vegetation planted in conjunction with the wall. Where the parking lot is across from a residential area, it shall be provided a landscaped berm and wall combination to screen the lot. H. Paving shall be required for all permanent parking, access, and loading facilities. Decorative paving, colored concrete, and asphalt surfacing materials shall be used and shall conform to the city's adopted standards and requirements.	Remove requirement	The requirement reduces the overall density such that the project is infeasible and a waiver is needed to build the project as designed, including the affordable housing.	Tubular steel fence proposed around parking lot  No enhanced paving proposed
21	2.3.1.2 Floor to Floor Height of Active Uses		Ground floor shall have a minimum floor-to floor height of 12'	Reduce to 9'	Increase in floor height is required to maximize the building design to make up for loss market rate homes in building affordable housing.	9'-1"
22	2.7.1.2 Long-Term Bicycle Parking		At least one long-term bicycle storage space is required for each unit. 36 required	Reduce to 0/unit	The requirement reduces the overall density such that the project is infeasible and a waiver is needed to build the project as designed, including the affordable housing.	No long-term bicycle parking spaces provided
23	3.1 Massing		Buildings shall employ the specified massing strategies of modulation, roof form, or projections	Remove requirement	Removing this requirement is required to maximize the building design to make up for loss market rate homes in building affordable housing.	
24	3.2.1 Step backs		Buildings above 2 stories or 35' are required to have a minimum of 30% of the frontage stepped back a minimum of 10'.	Remove requirement	The City's Objective Design Standards 3.2.1 - We need to fully maximize the ability to utilize the full square footage of the building footprint in the second and third floors to make up the loss of our overall square footage of market rate homes in building affordable housing.	No step backs proposed.
25	3.5.1 Window Alignment		Windows in opposing units, facing each other and located within 40 feet of each other, shall be offset by a minimum 20 feet.	Remove requirement	The City's Objective Design Standards 3.5.1 - Window Alignment and spacing from adjacent buildings make the required density physically infeasible and a waiver is needed to construct this project. The proposed reduced offset spacing allows us to achieve the higher density which will allow us to build affordable units.	Triplex units are 14' apart minimum; no window offset proposed. Duplex units are 6'-6" apart minimum, slight/no window offsets for duplex units.
26	3.8.1 Façade Composition		Each building façade greater than 100' in length shall include a minimum of two (2) distinct façade compositions. For every additional 100' of building façade, an additional 1 distinct façade composition is required		Removing this requirement is required to maximize the building design to make up for loss market rate homes in building affordable housing.	
27	3.9.1 Entrance Types		Primary building entrances for all residential buildings shall face a public sidewalk or publicly accessible pathway. Types of pedestrian entrance frontages specified shall be applied to buildings	Remove requirement	The City's Objective Design Standards 3.9.1 - Entrance Types make the required density physically infeasible and a waiver is needed to construct this project. The proposed changes to the sidewalk requirements to primary building entrances will allow us to achieve a higher density which will allow us to build affordable units.	One duplex unit and one triplex unit per module face side yards.  None of the listed entrance frontages proposed.
28	3.9.3 Parking & Access			Remove requirement	The City's Objective Design Standards 3.9.3 -garage door requirement make the required density physically infeasible and a waiver is needed to construct this project. We need the additional acreage of developable site to maximize the number of residential units to be able to compensate for the loss of acreage of building affordable housing.	All duplex buildings have garage doors in front of the primary façade.
29		MXU Zoning 9-30.040 Development Standards	The garage door is required to be located a minimum of 1' behind the primary façade. 35' maximum building height	Increase to 37'	Increase in building height is required to maximize the building design to make up for loss market rate homes in building affordable housing.	Project proposes 37' tall building