



April 21, 2023

Re:1218 Monte Diablo Project — State Density Bonus Law Letter of Intent

The purpose of this letter is to apply for certain rights under the State Density Bonus Law (Gov. Code § 65915) for the proposed residential project for rental. Because the project will provide 7.84% of its units at the very low income affordability level and 15.68% at the low income affordability level in the apartments building, the Project is entitled to all of the following *separate* categories of concessions/incentives and waivers.

- An up to 50% density bonus over the base density (47% bonus applied for at this time; Right to Remainder Reserved.)
 - site is currently zoned as R-4 with a maximum FAR 1.5. Also, Per approved Measure Y, the maximum density of the project is 50 du/ac.
 - The base density of the Project was calculated to be 51 units using the above FAR 1.5 and 50 du/ac.
 - Because the Project proposes 4 units at the very low income affordability level, or 7.84% of the 51 base units, and 8 units at the low income affordability level, or 15.68% of the 51 base units, the Project qualifies for a mandatory density bonus of 50% which allows development to be up to FAR 2.25 and 75 du/ac.
 - The Project currently proposed FAR 2.17 and 73.5 du/ac which are complied with 50% density bonus.
- 3 mandatory concessions or incentives (not applied for at this time; Right to Remainder Reserved.)
- Any required physical waivers of development standards to accommodate the Project (three waivers applied for at this time; Right to Identify Further Waivers Reserved).
 - **Setback** - pursuant to city zoning, the Project seeks variance for the following setbacks:
 - **Front setback** (along N. Kingston St): According to city zoning, a front yard of not less than fifteen feet (15') shall be provided. For buildings exceeding three (3) stories in height, the minimum front yard shall be one-half (1/2) the height of the building, unless a smaller setback is allowed in the granting of a special use permit.

To comply with this standard, the apartments would need a front setback of approximately 29'-10" (one-half of building height), and the townhomes would need a setback of 15'. However, due to the shallow depth of the Project Site and its irregular shape, complying with these setbacks would

compromise the Project's ability to achieve the desired density and would render the Project infeasible, resulting in a significant reduction of BMR units. Currently, the proposed front setback for apartments is approximately 8' at ground level and 6' to 13' at upper levels, while the proposed front setback for townhomes is approximately 4'-9" at ground level and 7'-3" at upper levels.

- **Streetside setback** (along Monte Diablo Ave): Per zoning, for multiple family dwelling structures of more than two (2) stories in height on corner parcels, the minimum required side yard shall be one-half (1/2) the height of the building to a maximum of twenty-five feet (25'). To comply with this standard, the apartments would need a streetside setback of 25'. However, due to the shallow depth of the Project Site its irregular shape, complying with this setback would compromise the Project's ability to achieve the desired density and would render the Project infeasible, resulting in a significant reduction of BMR units. Currently, the proposed streetside setback on Monte Diablo Ave is approximately 7' at ground level and approximately 6' to 8' at upper levels.

- **Side setback** (on southeast side):

- Per zoning, on a parcel being developed for multiple-family use, if the side of the parcel abuts an R1 or R2 zoned parcel, the side yard setback on that side measured from the property line shall be equal to one-half (1/2) the height of the building, or fifteen feet (15'), whichever is greater. A portion of the southeast side of the site abuts an R2 zoned parcel, so the Project would need to provide a setback of 19'-6" (one-half of building height) to comply with this standard. However, due to the shallow depth and the irregular shape of the Project Site, complying with this setback would compromise the Project's ability to achieve the desired density and would render the Project infeasible, resulting in a significant reduction of BMR units. Currently, the Project proposes a setback of approximately 10' on the southeast side.
- For multiple family dwelling structures of more than two stories in height, the side yard adjacent thereto shall be one-half (1/2) the height of the building to a maximum of twenty-five feet (25') unless a greater dimension is required as a condition of approval for a special use permit. To comply with this standard, the project would need to provide approximately 19'-6" (one-half of building height) setback for the perimeter abutting adjacent R-4 parcel. However, due to the shallow depth and the irregular shape of the Project Site, the applicant has determined that complying with these setbacks would compromise the ability of the Project to achieve the desired density would render the Project infeasible and would further result in a significant reduction of BMR units.

Currently, the project proposed approximately 10' setback on the southeast side.

- **Rear setback**
 - For buildings more than three stories in height, the minimum rear yard shall be one-half (1/2) the height of the building to a maximum of twenty-five feet (25') unless a greater dimension is required as a condition of approval for special use permits. To comply with this standard, the project will need to provide 25' rear setback for the apartments and approximately 19'-6" (one-half of building height) rear setback for the townhomes. However, considering the shallow depth and the irregular shape of the Project Site, the applicant has determined that complying with these setbacks would compromise the ability of the Project to achieve the desired density would render the Project infeasible and would further result in a significant reduction of BMR units. Currently, the project proposed approximately 6'-6" to 10'-4" setback for the apartments, and approximately 10'-5" for the townhomes.

- **Building Height**

- Per approved Measure Y, the maximum building height is 55 feet; the R-4 zoned height limit is 45 feet. The Project is entitled to a waiver of this height limit under the State Density Bonus Law and we therefore hereby apply for this waiver as part of the Project's State Density Bonus Law application. The proposed building height is approximately 60 feet for the apartments, and 39 feet for the townhomes. In general, the project height decreases as it approaches the adjacent properties. Considering the shallow depth and the irregular shape of the Project Site, the applicant has determined that complying with building height would compromise the ability of the Project to achieve the desired density would render the Project infeasible and would further result in a significant reduction of BMR units.

- **Parking Ratio:**

- Under the State Density Bonus Law, the Project is required to provide 81 spaces. Currently, the project provides approximately 63 spaces. The distance from the project to the major transit stop (Caltrain San Mateo Station) is approximately 0.6 mile, although it's not one-half mile per State Density Bonus Law requirement, but it's fairly in proximity. The pedestrian bridge over Highway 100 also provides convenient access to the other side of freeway.
- The project currently provides approximately 0.7 spaces per unit for apartments and approximately 1.6 spaces per unit for townhomes.

- Given the shallow depth and the irregular project site, it is infeasible to provide more parking and conform to the State Density Bonus maximum parking ratios.

Regards,

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