

MOORPARK**Waiver Requests (02/06/2025)**

The ±2.51-acre site, zoned R-1 with a Low-Density Residential designation, will be redeveloped with 22 single-family homes, including two very low-income units. As per State Density Bonus Law (SDBL,) the project is entitled to a 38.75% density bonus based on the 2 very low-income (12%) units provided. The project requests waivers permitted by State Density Bonus Law. No concession is being requested.

Existing structures will be demolished, and access will be from Sylvan Avenue, avoiding driveway cuts on Moorpark Way. Each two-story home (~2,400 sq. ft. livable, 3,000 sq. ft. GFA) includes a two-car garage and private backyard. The design blends traditional and contemporary styles, aligning with city goals for context-sensitive, mixed-income infill housing.

1. Lot Area (6,000 sq. ft min.)

Waiver requested to reduce the minimum allowable lot area from 6,000 sq. ft. to 2,840 sq. ft. to achieve the allowed General Plan land use density.

Justification: Using a lot size of 6,000 would reduce the density by half as the lots would have to be nearly twice the proposed lot sizes.

2. Lot Width, corner (70' min.)

Waiver requested to reduce the minimum allowable lot width for corner plots to 45'-9" to achieve the allowed General Plan land use density.

Justification: Using a 70' corner lot size would reduce the number of lots as the proposed lots are considerably smaller. A 70' wide lot is nearly twice as wide as the proposed lots and therefore would impact the unit count.

3. Lot Width, interior (60' min.)

Waiver requested to reduce the minimum allowable lot width for interior plots to 43'-0" to achieve the allowed General Plan land use density.

Justification: Using a lot width of 60' would reduce the density as it would decrease the number of lots that can fit on the site based on the current design.

4. Front Setback (20' min.)

Waiver requested to reduce the minimum required front setback distance to 5' to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed cannot be built on those lots if the setback were to be 20'. See proposed setbacks summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of required & proposed setbacks.

5. Front Setback, 2nd Story (5' min. wall over an attached garage)

Waiver requested to remove the minimum required front setback distance for the second story to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed cannot be built on those lots if the setback were to be maintained. See proposed setbacks summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of required & proposed setbacks.

6. Side Setback (5' min., 10' total both sides)

Waiver requested to reduce the minimum required side setback distance to 4', 8' total both sides.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the setbacks were 5' instead of 4'. Increasing the setbacks to 5' would reduce the density. See proposed setbacks summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of required & proposed setbacks.

7. Side Setback, 2nd Story (5' min., 12' total both sides)

Waiver requested to reduce the minimum required side setback distance for the second story to 4, 8' total both sides.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the setbacks were 12' instead of 8'. See proposed setbacks summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of required & proposed setbacks.

8. Rear Setback (20% of lot depth, or 15' whichever is greater. 40' max.)

Waiver requested to reduce the minimum required rear setback distance to 5' to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the setbacks were 15' instead of 5'. See proposed setbacks summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of required & proposed setbacks.

9. Rear Setback, 2nd Story (25% of lot depth, or 20' whichever is greater. 40' max.)

Waiver requested to reduce the minimum required rear setback distance for the second story to 5' to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the setbacks were 15' instead of 5'. See proposed setbacks summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of required & proposed setbacks.

10. Projections into setbacks

Waiver requested to remove the requirement for maximum distance for projections into setbacks as the project is already requesting waivers for the minimum front, side, and rear setbacks.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the setbacks were to be maintained. State Law requires that the project be analyzed as submitted. Based on the proposed project the only way to comply with the setback requirement would be to increase the setbacks and lot size which would negatively impact the density of the project. See proposed projections summary in the table on sheet A.3A, diagram on sheet A.3B for illustration of proposed projections.

11. Maximum Floor Area – FAR (0.45 max.)

Waiver requested to increase the maximum allowable floor area ratio (FAR) to 1.04 to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the FAR was to be maintained at .45. The only way to maintain the FAR under 0.45 would be to increase the lot size which would negatively impact the allowable density.

12. Front Setback Landscaping (50% min. landscaped)

Waiver requested to reduce the minimum required front setback landscaping area to 26% to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the front yard landscaping was maintained at 50%. The only way to maintain the 50 % landscaping would be to increase the lot size and the setbacks which would negatively impact the allowable density, and the project as designed.

13. Projection Area into Rear Setback

Waiver requested to increase the allowable portion of a projection into the rear yard setback area from 12.5% to 49.6% to achieve the allowed General Plan land use density.

Justification: Waiver requested as the project as proposed (22 homes) cannot be built on those lots if the rear yard projection limit was maintained at 12.5%. The only way to maintain the 12.5% proportion to accommodate the **project as designed** would be to increase the lot size and the setbacks which would negatively impact the number of units of the site/density of the project.

14. Sec. 36.10.35 - Subdivisions in the R1 zone creating parcels without the required frontage on a public street.

Waiver requested from this requirement for the Project to be processed as a PUD. Please refer to attached letter from the Applicant's Attorney for explanation and validity of the requirement. (2024-04-22 Letter to City re PUD issues re 317 Moorpark Way, Mountain View)

15. Sec. 36.10.20. - Minimum street frontage for any residential use on a public street shall be 35':

Waiver requested for the required requirement on a public street as providing a public street internal to the project would negatively impact the density as the public street width (50') is wider than the proposed private street. Furthermore, the surrounding public streets on the project boundary are not conducive for fronting the lots based on their location and traffic patterns.

16. Parking and Circulation – Min. length for a driveway leading to a two-car garage shall be 20'

Waiver requested to remove the requirement for driveway lengths leading to a two-car garage to be a minimum of 20 feet.

Justification: Waiver requested as the project density would be negatively impacted by providing a 20' driveway.

**Justification of waiver requests for:
Lot area, lot width, corner lots (waiver request 1, 2 & 3)**

Maintaining the R1 lot requirements would negatively impact the density as illustrated in the diagram. (only 10 lots fit (-12 units)).

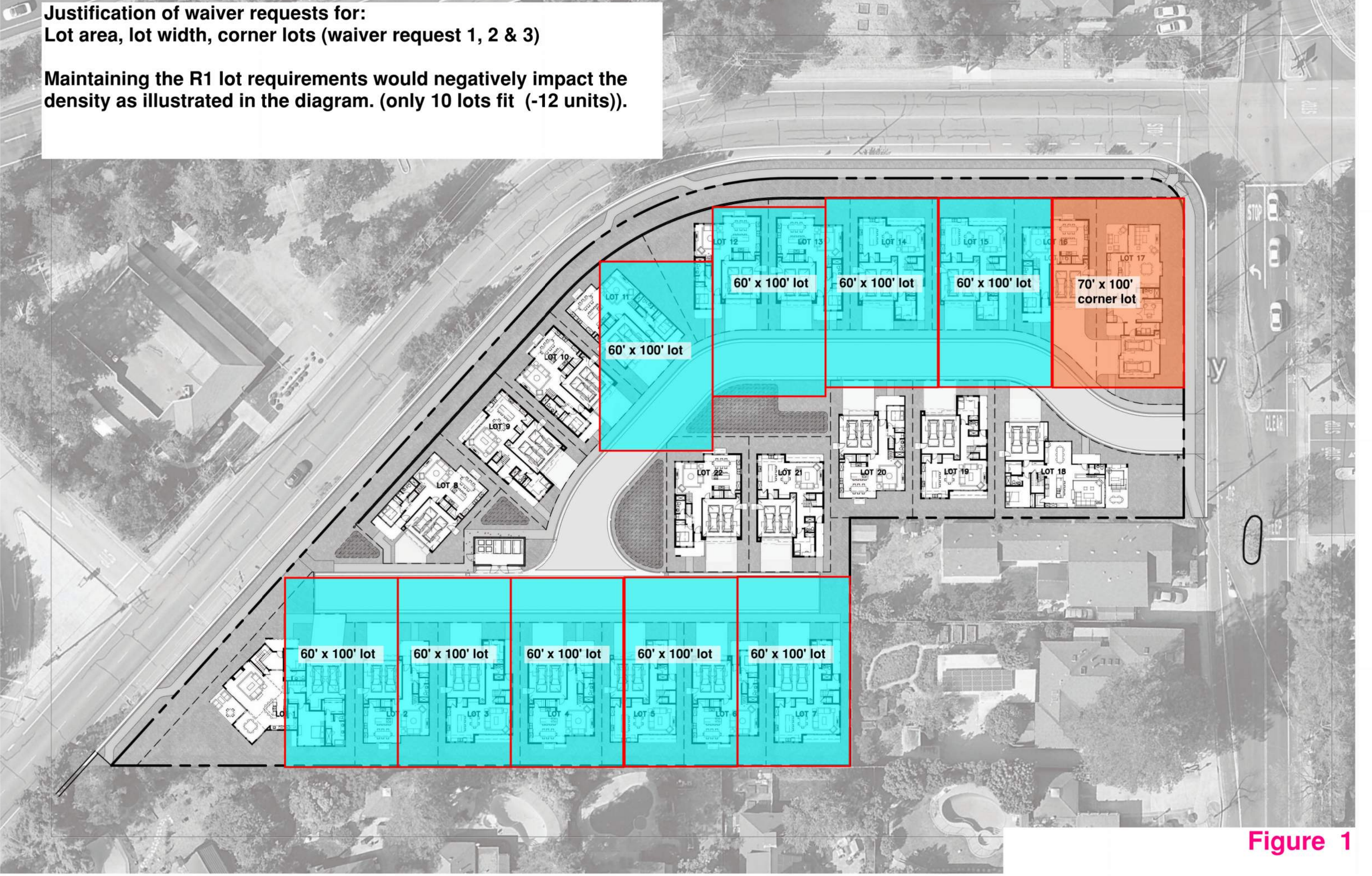


Figure 1

**Justification of waiver requests for:
reduced setbacks (waiver request 4, 5, 6, 7, 8, 9, 10,12 and 15)**

If the required setbacks were to be maintained the proposed project would be considerably different with smaller homes as illustrated below in a typical example.

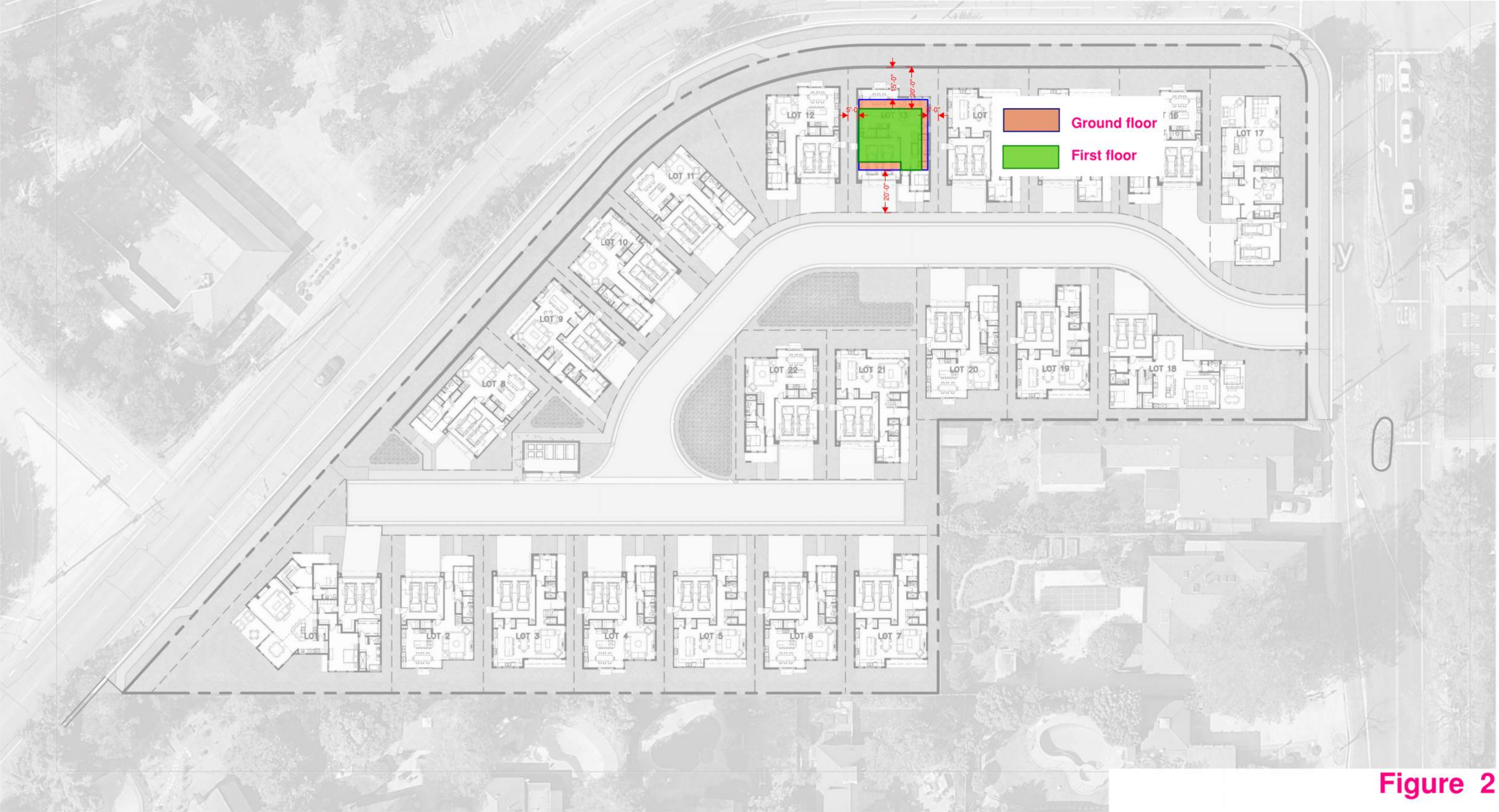


Figure 2

PROJECT DESCRIPTION:

The project site is bounded by Moorpark Way on the west and north and Sylvan Avenue to the east, existing single-family homes along the south and is approximately +/- 2.51 ac. The site consists of 5 parcels (161-05-003, 161-05-004, 161-05-005, 161-05-006, 161-05-007). The current zoning of the site is R-1 and the General Plan designation is Low Density Residential.

Based on the underlying General Plan density allowance and utilizing the density bonus allowances the Project is proposing 22 Single family homes. Out of the 22 homes 2 units will designated as very low-income for sale units. A detailed calculation of the density bonus units (Table 2: Density Bonus Calculation) is included in the package. The proposed project is requesting concessions and waivers as allowed by the State Density Bonus Law. The preliminary request is listed in this application document and the applicant reserves the right to request for additional concession and waivers as the design is developed further and based on the feedback from the City to the submittal.

The existing site has some structures which will be demolished and replaced with the project. The proposed project is carefully laid out keeping in mind the local context and the edge conditions. To avoid conflicts with the traffic on Moorpark Way the project circulation is internal and accessed from Sylvan Avenue. This removes the need for driveway cuts along Moorpark Way. The homes are front loaded homes each with a two-car garage and a full driveway that can accommodate two more cars. Each home will have a private backyard and homes along the south property edge back on to the existing homes, providing a buffer from the existing homes.

The homes are two stories and roughly 2400 of livable square footage and around 3000 sf of Gross Floor Area as defined by the Mountain View Municipal Code. The proposed architectural character takes cues from the surrounding neighborhood with a mix of traditional style homes that blend with the surrounding community, in addition to a contemporary style reflective of current market conditions.

In summary the proposed project is in line with the goals of the city in creating context sensitive infill housing in underutilized sites. The proposed project is infill, context sensitive, mixed-income and a wonderful addition to the neighborhood – respecting the existing urban fabric while still providing a slightly more compact housing typology keeping with the current market and demographic trends and affordability trends.

TABLE OF LOT AND UNIT SIZES¹

LOT #	Lot Size (SF)	Lot Coverage (%)	Lot Dimensions		Total Floor Area (SF)	Garage Size (SF)	1st Floor (SF)	2nd Floor (SF)	Porch Size (SF)	Bedroom #	FAR	Landscaped Area (SF) in 20'	Total Front Setback	Landscape Coverage in 20'
			Min. Width	Min. Depth										
1	6,462	43%	22'-7"	75'-0"	4,925	465	2,641	2,284	119	4	0.76	577	1043	55%
2	3,265	52%	43'-6"	75'-0"	2,979	434	1,601	1,378	112	4	0.91	370	871	43%
3	3,225	51%	43'-0"	75'-0"	2,944	433	1,574	1,370	77	5	0.91	343	860	40%
4	3,225	52%	43'-0"	75'-0"	2,964	437	1,586	1,378	105	4	0.92	360	860	42%
5	3,226	51%	43'-0"	75'-0"	2,948	433	1,574	1,374	77	5	0.91	343	860	40%
6	3,226	52%	43'-0"	75'-0"	2,964	437	1,586	1,378	105	4	0.92	360	860	42%
7	3,305	50%	44'-0"	75'-0"	2,944	433	1,574	1,370	77	5	0.89	364	880	41%
8	2,956	58%	44'-0"	65'-0"	2,979	434	1,601	1,378	112	4	1.01	498	919	54%
9	2,972	56%	43'-0"	66'-0"	2,948	433	1,574	1,374	77	5	0.99	316	843	37%
10	2,840	60%	43'-0"	66'-0"	2,965	433	1,587	1,378	114	4	1.04	278	861	32%
11	3,381	51%	40'-0"	66'-0"	2,979	434	1,601	1,378	112	4	0.88	308	881	35%
12	3,557	48%	37'-0"	63'-10"	2,964	437	1,586	1,378	105	4	0.83	336	860	39%
13	2,993	57%	43'-0"	69'-3"	2,965	433	1,587	1,378	114	4	0.99	278	860	32%
14	2,994	55%	43'-0"	69'-7"	2,948	433	1,574	1,374	77	5	0.98	269	860	31%
15	2,995	55%	43'-0"	69'-7"	2,948	433	1,574	1,374	77	5	0.98	285	860	33%
16	3,438	49%	43'-0"	69'-7"	2,965	433	1,587	1,378	114	4	0.86	256	1000	26%
17	4,866	42%	45'-9"	97'-2"	3,571	483	2,001	1,570	62	3	0.73	639	1016	63%
18	4,689	42%	99'-2"	39'-2"	3,610	445	1,892	1,718	76	5	0.77	1,133	2220	51%
19	3,096	53%	43'-0"	72'-0"	2,944	433	1,574	1,370	77	5	0.95	324	860	38%
20	3,096	55%	43'-0"	72'-0"	2,979	434	1,601	1,378	112	4	0.96	333	860	39%
21	3,052	54%	43'-0"	71'-0"	2,948	433	1,574	1,374	77	5	0.97	322	860	37%
22	3,052	56%	44'-0"	67'-7"	2,965	433	1,587	1,378	114	4	0.97	334	860	39%

TABLE OF PROPOSED SETBACKS & PROJECTIONS²

LOT #	Plan Type	Proposed setbacks (ft)						%	
		Front	Rear	Rear 2nd Story	Side	Projection Dist. From Rear P.L.	Projection into Setback	Projection Coverage of Rear Yard	
1	3	12.9	10.0	10.0	4	9.5	5.5	8.0%	
2	2B	9.5	11.5	15.5	4	10.5	4.5	10.6%	
3	1C	9.0	12.0	14.0	4	10.2	4.8	6.8%	
4	2A	9.5	12.0	15.5	4	9.5	5.5	10.6%	
5	1B	9.0	12.0	14.0	4	10.1	4.9	6.8%	
6	2A	9.5	11.5	15.5	4	10.1	4.9	10.6%	
7	1C	9.0	12.0	14.0	4	10.1	4.9	6.8%	
8	2B	4.0	5.0	12.0	4	4.0	11	49.6%	
9	1A	5.2	9.2	11.1	4	8.2	6.8	20.1%	
10	2C	5.0	7.0	11.0	4	5.4	9.6	36.5%	
11	2B	6.2	6.1	10.1	4	5.0	10	30.7%	
12	2A	12.4	6.1	12.7	4	4.0	11	27.8%	
13	2C	5.0	10.5	14.6	4	8.9	6.1	15.4%	
14	1A	5.0	10.5	12.5	4	9.6	5.4	12.1%	
15	1B	5.0	10.5	12.5	4	8.6	6.4	12.1%	
16	2C	6.2	10.6	14.6	4	9.0	6	11.1%	
17	4	9.7	14.0	29.1	4	13.2	1.8	3.7%	
18	5	5.2	5.0	5.0	4	5.0	10	39.6%	
19	1C	9.0	10.0	14.0	4	8.3	6.7	14.9%	
20	2B	9.0	10.0	14.0	4	9.0	6	18.0%	
21	1A	8.0	9.0	11.0	4	8.1	6.9	19.4%	
22	2C	8.0	9.0	13.0	4	7.4	7.6	23.4%	

FRONT SETBACK LANDSCAPING AREA:

¹ SEE SHEET A.3B FOR DIAGRAM SHOWING CALCULATION OF FRONT SETBACK LANDSCAPED AREA.

ILLUSTRATION OF SETBACK & PROJECTIONS CALCULATION:

² SEE SHEET A.3B FOR DIAGRAM SHOWING FRONT, REAR, REAR 2ND STORY, & PROJECTION MEASUREMENTS

Total projection into setback determined by subtracting the maximum projection distance from the P.L. from the required setback distance.

PROJECT DESCRIPTION, LOT & UNIT SIZES



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrlgal.com

Bryan W. Wenter, AICP
Direct Dial: 925 941 3268
bryan.wenter@msrlgal.com

April 22, 2024

Via Email

Hang Zhou, AICP
Permit Center
Community Development Department
500 Castro Street, 1st Floor
Mountain View, CA 94041
Email: Hang.Zhou@mountainview.gov

**Re: City Request for PUD Permit for 22-Unit Housing Development Project
317 Moorpark Way, Mountain View
(APNs 161-05-003 to -007)**

Dear Mr. Zhou:

Our client, Dividend Homes dba Moorpark Sylvan Investors LLC (“Dividend”), previously filed a Preliminary Application and Formal Application for its proposed 22-unit housing development project (“Project”) at 317 Moorpark Way (“Project Site”) in the City of Mountain View (“City”). The purpose of this letter is to address the City’s request that the Project seek and obtain a Planned Unit Development permit because the Project is seeking a waiver or reduction of the City’s 35-foot minimum public street frontage standard (Mountain View City Code §§ 36.10.20 and 36.10.35). Dividend greatly desires to work productively in the processing and approval of this Project, but for the reasons set forth below Dividend cannot be required to seek and obtain the City’s desired PUD Permit.

As you know, the Project is protected by state housing laws including Senate Bill 330, the Housing Accountability Act (Gov. Code § 65589.5; “HAA”), and the Density Bonus Law (Gov. Code §§ 65915-65918; “DBL”). The Project is protected by the HAA because it is a “housing development project” (Gov. Code § 65589.5(h)(2)), and it is a DBL project because 18 percent of the units will be deed-restricted for very low-income households (Gov. Code § 65915(g)(1)).

The Project Site has a Low Density Residential General Plan land use designation, which allows detached, single-family houses and similar uses at 1-6 dwelling units per acre, and it is zoned Residential (R-1), which allows detached, single-family houses and similar uses and is treated as consistent with the Low Density Residential land use designation.

Under the General Plan, the maximum base density for the Project is 6 dwelling units per acre, which allows 16 base units ($2.51 \times 6 = 15.1$, which rounds up to 16 units). With 12.5 percent very low-income units, the Project is entitled to a 42.5% density bonus (Gov. Code § 65915(f)(1)), which equates to 6.8 units, which rounds up to 7. Accordingly, the Project is allowed 23 units with a density bonus, and the Project proposes 22 units.

The DBL provides that qualified projects are entitled to receive one to five incentives or concessions that would produce identifiable and actual cost reductions (Gov. Code § 65915(d)(1)) and unlimited waivers or reductions of development standards that would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by the DBL (Gov. Code § 65915(e)(1)). The DBL also provides that a project receiving a density bonus *shall not require, or be interpreted to require* a general plan amendment, zoning change, or other discretionary approval.

A PUD permit is a zoning approval that requires City Council action to approve. (Mountain View City Code §§ 36.46.70 to 36.465.95). Given that the Project seeks and is entitled to obtain the benefits provided by the DBL and that the DBL expressly obviates the need for any kind of zoning change, a PUD permit cannot lawfully be required here.

We thank you in advance for your attention to these important issues and, while we cannot concede to seek a discretionary legislative land use approval that state law provides cannot be required, we look forward to working productively with you to process the Project expeditiously in conformance with state housing law.

Sincerely,

MILLER STARR REGALIA

Bryan W. Wenter

Bryan W. Wenter, AICP

BWW/kli

cc: Josh Vrotsos, Director of Acquisitions