

Attachment 1 - State Density Bonus Letter

Project: 396 E. 21st Street, Costa Mesa · APN 426-171-23 · ±1.49 ac · Zoned R2-MD **File:** PDBR-25-0001 (Density Bonus Review / Tentative Tract Map No. 19412 / Design Review) **Applicant/Owner:** Modern Mobile Ventures 1, L.P. **Date:** August 04, 2026.

1. Purpose

This letter sets out the project's eligibility for, and requests under, the State Density Bonus Law, Gov. Code § 65915 ("DBL"). It supersedes the applicant's prior Density Bonus narrative to reflect the affordability structure confirmed in the City's June 26, 2026 email letter and July 29, 2026.

2. Project & affordability structure

The project is a 21-unit, for-sale, small-lot detached residential subdivision (Lots 1–21) on a ±1.49-acre R2-MD parcel, comprising **20 market-rate for-sale units and one (1) very-low-income, deed-restricted, for-sale unit on Lot 8**. The very-low-income unit will be subject to a recorded resale restriction and equity-sharing agreement ensuring continued affordability consistent with Gov. Code § 65915(c)(2).

3. Eligibility & density-bonus calculation

Item	Calculation	Result
Base density	$12 \text{ du/ac} \times 1.49 \text{ ac} = 17.88$	18 base units
Very-low-income units required (5%)	$18 \times 5\% = 0.9 \rightarrow \text{round up}$	1 unit
Very-low-income units provided	$\text{Lot 8} \div 18 \text{ base}$	5.5% ($\geq 5\%$ threshold)
Density bonus (§ 65915(f)(2))	$20\% \times 18 = 3.6 \rightarrow \text{round up}$	4 bonus units
Maximum units permitted	$18 + 4$	22 units
Units proposed	—	21 units

The provision of one very-low-income for-sale unit satisfies Gov. Code § 65915(b)(1)(B) and entitles the project to a 20% density bonus under § 65915(f)(2). The City's June 26, 2026 email letter analysis treated 1 unit as 5% affordability, supporting a 20% bonus and up to 22 units; the project requests only 21 units.

4. Entitlements requested

Pursuant to Gov. Code § 65915, the applicant requests:

- **A 20% density bonus** — § 65915(f)(2);
- **One (1) concession/incentive** — §§ 65915(d)(1), (d)(2)(A) — **reserved; not requested at this time** (see § 5);
- **Waivers/reductions of development standards** that would physically preclude the project at the permitted density — § 65915(e)(1) (no limit on number); and
- **Application of the DBL parking maximums** — § 65915(p).

5. Concession — reserved (none requested)

The project is entitled to one incentive/concession under § 65915(d)(2)(A). **The applicant is not requesting a concession at this time and expressly reserves the right to request its concession should it become necessary during processing.** All development-standard deviations are requested as **waivers** under § 65915(e)(1).

6. Waivers requested (Ten) — see Table “A”

Each waiver is required because the standard, as applied, would physically preclude construction of the project at the density permitted by § 65915. None results in a specific, adverse impact on public health, safety, or the physical environment, and none affects a listed historic resource. Figures are taken from Conceptual Site Plan (Bassenian Lagoni, September 1, 2026). Detailed findings are provided in Attachment 3.

#	Standard	Code	Required	Proposed (per Site Plan)
W-1	Small-lot subdivision lot cap	CMMC § 13-42.3(a)	15 lots	21 lots
W-2	Building height (2 stories retained)	Table 13-42	27 ft	31 ft, 5 in.
W-3	Front setback (Front Development Lot)	Table 13-42	20 ft	6 Ft. adjacent to Lot 1 only.
W-4	Open parking not allowed in front setback	CMMC 13.93 (e)	None	One guest parking space
W-5	Rear yard — lots backing Kaiser Elementary	Table 13-42	15 ft	5 ft (Lots 8–9) / 6 ft (Lots 10–13)
W-6	Building separation at Lots 8 & 9	Table 13-42	6 ft	6” (two detached structures)
W-7	Per-unit open space — <i>dimension only</i>	Table 13-42	200 sf, no dim < 10 ft	area met; dim < 10 ft on some lots
W-8	Location of sidewalk	Table 13-42	Relocate adjacent to PL	Remain in current condition adjacent to curb
W-9	Open Space	Table 13-42	35%	29.5 %
W-10	Side yard/street side	Table 13-42	10 Ft.	7 Ft. Lot 13 only

7. Parking (DBL maximums, § 65915(p)) — not a waiver

Under § 65915(p)(1), the City may not impose more than 2.5 spaces per 4+ bedroom unit (inclusive of guest and disabled parking). On that basis the project requires **39.5 spaces** and provides **60 (42 covered + 18 open)** — exceeding the maximum the City may require. No parking waiver is needed for count. Guest parking is not separately required under the DBL. The open stalls are dimensioned 18 ft deep. These stalls are not relied upon to meet the requirement. The 18 ft dimension includes a 2 ft bumper overhang which area is not included in the landscape open space calculations.

8. Standards that conform (no relief sought)

- **Distance between buildings:** 6 ft required; **6.5 ft provided between Lots 9–13 — conforms** (only Lots 8↔9 at 6" need relief = W-7).
- **Per-unit open space (area):** 200 sf required; most lots provide **500–800 sf — conforms** (only Lots 8 & 9 fail = W-9; the <10-ft dimension = W-8).
- **Parking count:** 60 provided vs 39.5 required under § 65915(p) — conforms.
- **Maximum density:** $21 \leq 22$ permitted — conforms.
- **Driveways:** 3-ft alley-loaded transition; conforms to Table 13-42 (no driveway > 5 ft where parking is not in front of the garage).

9. No protected units

The former 28-unit mobile home park has had no tenants since 2019 — outside the five-year look-back of Gov. Code §§ 66300.5–66300.6. No protected units are demolished by the project; the SB 330 replacement requirements do not apply.

10. Standard of review

The City “shall grant” the requested bonus and waivers and may deny a waiver only on a written finding of a specific, adverse impact under § 65589.5(d)(2) or a listed historic-resource impact — findings the Legislature has recognized “arise infrequently.” (Gov. Code § 65589.5(a)(3); *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755 [city must grant the requested waivers and may not require a redesign even where a less-deviating design exists]; *Wollmer v. City of Berkeley*.)

Accompanying attachments: Attachment 2 — Affordability Justification · Attachment 3 — Density Bonus Waiver Findings · Attachment 4 — CMMC § 13-29 Findings.