



SHARTSIS FRIESE LLP

425 Market Street ♦ Eleventh Floor
San Francisco, California 94105-2496

Dana Kennedy
dkennedy@sflaw.com

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VIA EMAIL (WLAO@SUNNYVALE.CA.GOV)

Ms. Wendy Lao
Associate Planner
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

Re: 494 South Bernardo Avenue (PLNG-2025-0130)
Response to Consistency Determination and Updated List of Requested
Waivers from Development Standards

Dear Wendy:

As you know, this firm represents California Communities in connection with the proposed project to develop 28 for-sale townhome units (the “Project”) at 494 South Bernardo Avenue. This letter is provided in response to the City’s comments regarding the Project’s consistency with objective design standards, dated as of May 1, 2026 (the “Consistency Comments”).

The City of Sunnyvale’s Inclusionary Below Market Rate Ownership Housing Program (SMC Chapter 19.67) generally requires at least 15 percent of the total number of ownership housing units in a project to be developed as below-market-rate ownership housing. Fractional units can be rounded up or satisfied through payment of an in-lieu fee. California Communities will comply by: (a) designating four of the 28 units (i.e., approximately 14.2% of the total units) for households earning moderate income and (b) paying a fee for the remaining fraction of a unit.

As a result, the Project also qualifies for the benefits and protections of the State Density Bonus Law (Cal. Gov. Code Sec. 65915; the “SDBL”). The Project will not utilize the permitted “density bonus” for additional units. However, qualifying projects are also entitled to reduced parking requirements, waivers from development standards that would physically preclude construction at the proposed residential density, and one “concession” or “incentive,” as defined by the SDBL.

As a result of the foregoing, California Communities requests the waivers from local development standards listed on Attachment 1, which would otherwise preclude construction of

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the proposed 28 townhomes in the proposed configuration, and reserves the right to request additional waivers. As a concession, the Project requests exemption from the Building Elevation Design Strategies that would otherwise require the Project to achieve 100 points, as described in Table 4A, on Page 28 of the City of Sunnyvale Objective Design Standards (ODS). This item was identified as PL-6 in the Consistency Comments.

Thank you for your consideration. Please contact me or Eric Muzzy at DAHLIN Architecture with any questions.

Sincerely,



Dana Kennedy

DK:vp

cc: Forrest Mozart
Eric Muzzy

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ATTACHMENT 1

Requested Waivers

1. Lot Coverage: SMC Section 19.32.020 establishes a maximum lot coverage of 40%, where the Project proposes lot coverage of approximately 40.3%. Without this increased lot coverage, the Project would lose residential units because the same number of units with the proposed floorplans and bedroom counts could not be accommodated with less lot coverage.

2. Distance Between Buildings: SMC Section 19.48.030 requires a minimum distance between buildings of 26 feet, where the Project proposes approximately 12 feet between buildings. If the buildings were spaced at least 26 feet apart, at least one residential unit would be lost to accommodate the unbuilt distance between buildings. This request was updated to address PL-31 in the Consistency Comments.

3. Building Height: SMC Section 19.32.020 establishes a height limit of 35 feet, where the Project proposes a maximum height of 41 feet. This height is necessary to accommodate the proposed, fairly narrow floorplans. Without this additional height, the Project would lose between 3 and 4 units.

4. Reduction of Front Yard Setback: SMC Section 19.34.030 establishes a minimum front yard setback of 20 feet, where the Project proposes a front yard setback of approximately 15 feet. Without this reduced setback, the Project would lose residential units because the floorplate would be compressed in a manner that makes floorplans unworkable.

5. Reduction of Rear Yard Setback: SMC Section 19.34.030 requires a rear yard setback of 20 feet, where the Project proposes an approximate 12-foot rear setback. Without this reduced setback, the Project would lose residential units because the floorplate would be compressed in a manner that makes floorplans unworkable.

6. Unassigned Parking. SMC Section 19.46.060 requires a certain number of unassigned spaces based on bedroom count and the number and type of assigned parking space provided in a project. The Project proposes approximately ten fewer spaces than would generally be required. Dedicating additional lot area to parking would necessarily reduce building area and eliminate approximately two residential units. Required additional parking space area (+/- 1,423 sf) = 5.6% of proposed lot coverage (+/- 25,491 sf).

7. Building frontage at front setback. Objective Design Standard 2.2 requires 65-85 percent of the building width to be located at the minimum front yard setback. The Project proposes 100 percent of the building width to be located within the front setback. Otherwise, the buildings would lose floor area and residential units.

8. Ground floor plate height. Objective Design Standard 2.2 requires a minimum ground floor plate height of 14 feet. The Project proposes a minimum ground floor plate height of eight feet. With a ground floor plate height of 14 feet, the proposed building height would trigger aerial apparatus access requirements from the Fire Department. The Project would lose at least one residential unit to accommodate required drive width and minimum building spacing from the aerial apparatus access drive(s).

9. Residential buffer for surface parking. Objective Design Standard 5.3 requires a landscaped buffer with a minimum width of 15 feet along rear and side property lines. The Project proposes a landscaped buffer with a minimum width of 4.5 feet along the rear property line. A larger buffer would reduce the buildable area on the site and would therefore result in fewer residential units.

10. Front yard restriction for mechanical equipment. Objective Design Standard 5.6 requires ground-mounted mechanical equipment not to be located in a required front setback area. The Project proposes mechanical equipment

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located in a required front setback area. Otherwise, the buildings would be pushed farther back and made smaller, resulting in unworkable floorplates and fewer units.

11. Division standards for low-rise multifamily development. Objective Design Standard 3.5 requires building elevations to be vertically divided into modules of 30' to 50' wide. The project proposes building elevations to be vertically divided into modules of 21' to 23' wide by 1.5' x 7.5' projections. This standard would force wider ~ and fewer ~ residential units, resulting in the loss of approximately 11 units. The two buildings subject to this standard propose odd numbers of units (5-plex and 7-plex) so units cannot be paired to comply.

12. Service-Restricted Parking Space / Loading Zone. Objective Design Standard 5.2.4(4) requires that at least one parking space dedicated to loading/unloading or pick-up/drop-off activities be provided per building on private property, within 10 feet of the building served. The dedicated parking space is required to be 350 square feet with a minimum dimension of 35 feet in one direction. Compliance with this standard would preclude the Project as configured, as floor area or parking spaces would necessarily be lost, resulting in fewer residential units or parking spaces below the required minimum. Instead of meeting the strict criteria of this standard, the Project will convert one of the parallel parking spaces to a loading zone during the day, available for overnight parking. The dual use loading/parking space is approximately 8' by 22'. This item was identified as PL-2 and PW-TR-2 in the Consistency Comments.

13. Parking Lot Shading Requirements. SMC Section 19.46.120 requires trees to be planted and maintained throughout the parking lot to ensure that at least 50% of the parking area will be shaded within 15 years of tree establishment. Up to 25% of the 50% parking lot shading requirement (12.5% of the total parking lot area) may be met with installation of solar energy systems rather than trees. All surfaces that can be driven on, including parking spaces, vehicular drives, drive-through lanes and maneuvering areas are subject to shade calculation. Compliance with this standard would preclude construction of the Project as proposed. The Project's surface parking and adjacent landscape buffer to the East are located within an existing 10' PG&E easement. Part of the easement includes existing overhead power lines that are to remain. PG&E restricts use of large plant material under power lines. This item was identified as PL-4 in the Consistency Comments.

14. Windows. Objective Design Standard 3.6.1.1(2) requires windows facing the street or public right-of-way at the ground floor. Windows must have unobstructed, transparent glass and be a minimum of 12 square feet each, with at least one window of this size at every 30 feet of building frontage. The Project locates garages on the ground floor of the three southern buildings facing West Olive Avenue. As a result of the Project's configuration, it is not possible to comply with this requirement, as it is neither safe nor aesthetically pleasing to locate large windows into garages, and the City cannot lawfully require the Project to be redesigned to avoid needing this waiver. This item was identified as PL-7 in the Consistency Comments.

15. Roof Eaves. Objective Design Standard 3.7.1(2) requires that roof eaves project by a minimum of 2 feet. The Project's roof eaves project approximately 6 inches to 1 foot, as larger roof eaves would cross lot lines and force a new project configuration. This item was identified as PL-8 in the Consistency Comments.

16. Walkway. Objective Design Standard 5.2.1.2 requires the first 50 feet of vehicle access lanes (starting at the property line) to include a minimum 5-foot-wide pedestrian walkway on at least one side. The Project does not provide a walkway next to the drive aisle because the site is constrained and there is not sufficient space to provide the proposed residential units, the required parking, and this drive aisle. A walkway next to the drive aisle would conflict with proposed lighting, landscape buffer, and fencing. This item was identified as PL-13 in the Consistency Comments.

17. Open Space Amenities. Objective Design Standard 6.4 (Table B on Page 28) requires all common open spaces to incorporate a combination of passive and active amenities from ODS Table 6B to score at least 50 points. The passive recreation open space amenities proposed include a planter with integrated seating (20 points), permanent picnic table with seating (20 points) and permanent bench per 1,000 square feet of open space (10 points). The Project cannot

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provide any active recreation. The active recreation options require more space than is available at the Project site with 28 residential units and related parking and circulation. Further, a substantial portion of the open space is dedicated to bioretention basin and pedestrian circulation pathways. This item was identified as PL-21 in the Consistency Comments.

18. Landscape Buffer. Objective Design Standard 7.7.2 requires the buffer between surface parking and neighboring residential properties (required by ODS 5.3.1 and modified by Waiver No. 9, above) to be landscaped with a minimum planted area width of 8 feet and either a screen of trees or shrubs for a maximum 7-ft decorative wall or fence. Fencing shall not exceed 4' height if located on property lines within a front yard area. The landscape buffer between the surface parking and the neighboring eastern residential properties is 4'-6" wide, so it is not possible to provide an 8-foot wide planted area. The landscape buffer includes plant material and a 7'-0" fence to screen. This item was identified as PL-26 in the Consistency Comments.

19. Parking Count. The SDBL imposes a cap on the number of parking spaces the City can require of a qualifying project (i.e., a minimum of 2.5 parking spaces per 4-bedroom unit and 1.5 parking spaces per 3-bedroom unit). However, parking ratios can be further reduced with a qualifying waiver.¹ Here, the Project proposes 22 units with 4 bedrooms (22 units x 2.5 spaces / unit = 55 spaces) and 6 units with 3 bedrooms (6 units x 1.5 spaces / unit = 9 spaces), resulting in 64 total spaces based on the SDBL methodology. Due to space constraints, the Project instead proposes 63 parking spaces, plus one dual-use loading/parking space. This is necessary to preserve the proposed unit count. This item was identified as PL-3 in the Consistency Comments.

20. Transformers and Generators. Objective Design Standard 5.6.2.1 generally requires that electrical transformers and generators be undergrounded. Objective Design Standard 5.6.2.2(2) describes screening requirements for projects where undergrounding of transformers and generators is not feasible. Here, PG&E will not allow the transformers to be located underground and the project site lacks sufficient area to locate screening around the above-ground equipment. Therefore, a waiver from both standards is requested. This item was identified as PL-17 in the Consistency Comments.

¹ A housing development eligible for a density bonus may request waivers of development standards, specifically including parking requirements. (Cal. Gov. Code Sec. 65915(o)(2).) There is no limit on the number of waivers that may be requested. *See also* the Density Bonus Model Program Guidelines, Technical Assistance for Local Planning, dated April 16, 2025, prepared by the Association of Bay Area Governments, which explicitly states: "An applicant may also reduce a parking requirement by applying for a waiver, since parking requirements are included in the definition of 'development standard.' (§ 65915(o)(2).)"