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June 1, 2026

**VIA EMAIL (avashist@sunnyvale.ca.gov)**

Ms. Aastha Vashist  
Senior Planner  
City of Sunnyvale  
456 W. Olive Avenue  
Sunnyvale, CA 94086

Re: 781 South Wolfe Road (PLNG-2025-0229)  
Requested Waivers from Development Standards

Dear Aastha:

This firm represents California Communities in connection with the proposed project to develop eight single-family homes and one common ownership lot (the “Project”) at 781 South Wolfe Road (the “Project Site”). As you know, the Project Site was identified as a Future Opportunity Site in the City of Sunnyvale’s 2023-2031 Housing Element.

The City’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 one of the eight units (i.e., approximately 12.5% 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 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 the proposed eight single-family homes, and reserves the right to request additional waivers as the

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Project is further refined based on feedback from the City and other approving agencies. California Communities also reserves the right to request a concession. Thank you for your consideration. Please contact me or Justin Doull at DAHLIN Architecture with any questions.

Sincerely,



Dana Kennedy

DK:hjj

cc: Forrest Mozart  
Justin Doull

## ATTACHMENT 1

### Requested Waivers<sup>1</sup>

1. **Lot Area:** SMC Section 19.30.020 requires a minimum lot area of 3,600 square feet per dwelling unit, where the Project proposes 2,945 square feet of lot area per dwelling unit. Forcing larger lot areas would necessarily reduce the number of lots created on the Project Site, thereby reducing the number of residential units that can be provided.
2. **Lot Width:** SMC Section 19.30.020 requires a minimum lot width of 82 feet measured at the front yard setback of a corner lot and 76 feet for an interior lot. The Project proposes a 48-foot minimum setback for corner lots and 47.5-foot minimum setback for interior lots. Without this reduced lot width, the Project would lose residential units because each lot would need to be larger.
3. **Lot Coverage:** SMC Section 19.32.020 establishes a maximum lot coverage of 40% for two-story buildings, where the Project proposes lot coverage of approximately 47.91%. Without this increased lot coverage, the Project would lose residential units because each lot would need to be larger to accommodate a single-family home with sufficient bedrooms and a sensible floorplan.
4. **Rear Yard Encroachment:** SMC Section 19.48.050 allows any single-story main structure in any residential zoning district to extend up to ten feet into the required rear yard, so long as the area of such extension does not exceed 25% of the required rear yard area. The Project proposes locating two-story building area within up to 32% of the required rear yard area. Without this larger (and taller) encroachment, the Project would lose residential units because each lot would need to be larger.
5. **Minimum Uncovered Parking Space Dimensions:** SMC Section 19.46.050(a) requires a minimum 17-foot width and 20-foot depth for uncovered parking spaces on a driveway for single-family homes. The Project proposes a minimum 17-foot width and 18-foot depth to allow additional lot area for the proposed homes. Providing larger dimensions would force a larger lot size and/or unworkable floorplan, thereby reducing residential density.
6. **Reducible Front Yard Setback:** SMC Section 19.34.040(b) allows reduced setbacks of 9 feet on the longer street frontage for lots at the corner of streets intersecting at an angle of

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<sup>1</sup> We note that the City requested as Comment PL-6 an updated project description letter with requests for waivers from additional “non-conformities” the City identified. Included on this list was a “second floor rear yard setback.” We confirmed with you by email on May 30 that the Code does not regulate rear yard setbacks at the second floor separately from the first floor, which is addressed here as Item 17. Item 4 addresses the permitted rear yard encroachment on the first floor. If the City continues to believe a waiver is necessary for this standard, we will prepare a further revised request list. This should not delay a completeness determination, as it is a matter of project consistency only.

sixty degrees or more. The Project proposes setback of approximately two feet from Lusterleaf, which is necessary to preserve proposed lot sizes and unit count.

7. **Front Yard Setback:** SMC Section 19.34.030 establishes a minimum front yard setback of 20 feet at the first floor and 25 feet at the second floor, where the Project proposes a front yard setback of approximately 10 feet at both the first and second floor. Without this reduced setback, the Project would lose residential units because each lot would need to be larger.
8. **Combined Side Yard Setback:** SMC Section 19.34.030 establishes a minimum “total” side yard (i.e., the combined total of the two side yards added together) of 20% of lot width (measured at the front setback) and no less than 10 feet. The Project proposes a “total” side yard of 4’ 8”, which is the maximum achievable while maintaining the proposed unit count with sufficiently sized homes.
9. **Second Floor Front Yard Setback:** SMC Section 19.34.045 requires that any two-story residential development in an R-2 zoning district must have a front yard setback for the second story of at least twenty-five feet. To accommodate workable residential floorplans, the second-story front yard setback at the Project is limited to 10 feet.
10. **Second Floor Side Yard Setback:** SMC Section 19.34.080 requires that each side yard be increased three feet for each additional story above the first story. The Project proposes a side yard setback of approximately 4 feet at both the first and second floor. Without this reduced setback, the Project would lose residential units because each lot would need to be larger.
11. **Second Floor Side Yard Combined Setback:** SMC Section 19.34.080(a) requires an additional three-foot setback on each side at the second floor, resulting in an additional six-foot combined setback. As noted above, the Project proposes a side yard setback of approximately 4 feet at both the first and second floor. Without this reduced setback, the Project would lose residential units because each lot would need to be larger.
12. **Mechanical Equipment Setback:** SMC Section 19.48.100 requires mechanical equipment not be located between the face of building and the street or within required side and rear yard setbacks. The Project proposes locating condenser equipment within the rear setback, as the Project would otherwise need to be reconfigured in a manner that would reduce unit count.
13. **Usable Open Space:** SMC Section 19.37.040 requires at least 500 square feet of usable open space per residential unit in the R-2 zoning district. The Project proposes a minimum of 285 square feet per residential unit. Providing additional usable open space would force a larger lot size or unworkable floorplan, thereby reducing residential density.

14. **Above Ground Transformer:** SMC Section 19.38.090 requires the undergrounding of utilities associated with new development and subdivisions. Due to space constraints, the Project must locate certain equipment above-ground.
15. **Landscaping Frontage Strip:** ODS Section 5.3.1.1 requires a minimum 10-foot-wide frontage strip, as measured from the inside edge of the public sidewalk, or, if no sidewalk exists, from the curb. The frontage strip may be crossed by walkways and access drives and must be landscaped as described in ODS Section 7.7.1. The Project proposes 24” box street trees along Lusterleaf Road and South Wolfe Road. Two existing street trees along South Wolfe Road are intended to be preserved. Per ODS 7.7.1 the project proposes plant material that reaches at least 2 to 3 feet tall and extends 75% of the length of the buffer. The landscape buffer along Lusterleaf Road ranges from 4.5 feet wide to 10.5 feet wide and 14.5 feet wide along South Wolfe Road (includes the City right-of-way and Public Utility Easement).
16. **Floor Area Ratio (FAR):** SMC Section 19.32.020 establishes a maximum FAR of 0.45 or 3,600 square feet, whichever is less. The Project proposes an average FAR of 0.66 for the total Project and a maximum FAR of 0.84 at Lots 2, 3, 6, and 7. Without this increased FAR, the Project would lose residential units because each lot would need to be larger to accommodate a single-family home with sufficient bedrooms and a sensible floorplan.
17. **Rear Yard Setback:** SMC Section 19.34.030 requires a rear yard setback of 20 feet, where the Project proposes an approximately 5.5-foot rear setback (measured to the condenser equipment) or 10-feet as measured to the exterior wall of the first floor. At the second floor, the rear yard setback is approximately 15 feet, which is also lower than the 20-foot requirement. Without this reduced setback, the Project would lose residential units and/or amenities, as each lot would need to be larger to accommodate a sufficiently sized single-family home.
18. **Off-Site Stormwater Treatment for Impervious Surface in Public ROW:** Provision C.3.c.i.(2)(b) of the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit No. CAS612008, dated October 14, 2009 (the “MRP Permit”) requires each “Regulated Project” to treat 100% of the “Provision C.3.d. runoff” with LID treatment measures “onsite” *or* with LID treatment measures at a joint stormwater treatment facility. LID treatment measures are harvesting and re-use, infiltration, evapotranspiration, or biotreatment. According to the MRP Permit, a properly engineered and maintained biotreatment system may be considered if it is infeasible to implement harvesting and re-use, infiltration, or evapotranspiration at a project site. Infeasibility may result from, among other things, “[s]mart growth and infill or redevelopment sites where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.” The Project Site is a redevelopment site where the density and nature of the Project would create significant difficulty for compliance with the onsite volume retention requirement. Specifically, onsite treatment would result in reduced residential density, as onsite

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stormwater treatment would eliminate one of the eight proposed single-family homes. As a result, the Project requests a waiver from the requirement to treat stormwater “onsite,” and instead seeks to treat stormwater offsite.