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**Delivered Via Email**

City of Sunnyvale Community Development Department  
Sunnyvale City Hall  
456 W. Olive Avenue  
Sunnyvale, CA 94086

**Re: 1313 S. Wolf Road – SB 330 Application**  
**Our File No: 11006.02**

Dear Community Development Department:

Our office represents the sponsor of the housing project at 1313 S. Wolf Road (the “Project”). As requested in Sunnyvale’s multifamily housing application, below is a Project description letter.

**1. Existing Site Conditions and Proposed Project**

The proposed Project located at 1313 S. Wolfe Road, APN #309-10-026 & 027 includes (2) Parcels. Parcel 1 has a lot size of 20,625 square feet and Parcel 2 has a lot size of 31,849 square feet for a total area of 52,474 square feet. The existing site conditions are an undeveloped lot and a drive-through fast food restaurant with accessory parking and landscaping.

The project proposes a multi-family residential development, which would consist of 30 ownership townhouse units, one of which is a live/work unit (the “Project”). The existing context near the Property allows for a range of approaches given the gas station to the north, a very simple apartment building to the south, and multifamily housing to the west. These older buildings provide for an opportunity to improve the surrounding urban form.

The Project proposes for-sale housing suitable for the area and attractive to modern day potential buyers. The units in general are larger than what is currently being built in the East Bay or the San Francisco area. In order to add variety to the proposed uses and meet the commercial requirement for the site, the Project includes a live-work unit. The design also situates the building with the live-work unit much closer to the property line than the strictly residential buildings to make it more visible and present. The architectural treatment of the live-work unit is also differentiated by massing, ground floor windows and doors with a commercial flavor, and a different siding material and color.

All residential units have front doors facing S. Wolfe Road clearly marked and treated as front doors. It includes a variety of colors, materials and setbacks employed to prevent monotony and provide visual interest. Top floors of all units will be used as outdoor space with most having a trellis which crowns their top. The trellis is mostly for shading and does not constitute a solid surface. This allows for light and the sky to be visible through it and therefore lighten the appearance and provide a desired counterbalance to the solidity of the structures.

## **2. Affordable Housing Compliance and Density Bonus**

The Project is proposed under California Government Code § 65915, referred to as the Density Bonus Law or DBL. Its residential tenure is ownership. Finally, it includes 29 dwelling units and one live/work unit. Below are more details on affordable housing compliance, density bonus, and justifications for each waiver.

The Project invokes the following state housing laws: the Density Bonus Law, the Permit Streamlining Act, the Housing Crisis Act, and any other current or new state law that would apply to the Project.

### **a. Affordable Housing Compliance**

The applicant proposes an ownership Project, which requires 15% base allowable residential units at below market rate, at a “moderate” income level (120% AMI). The Project’s maximum permitted density is 29 units, at a ratio of 24 dwelling units per acre. The Project’s affordable housing obligation is thus 4.35. The Project will provide 4 on-site affordable ownership units at 120% AMI, and will pay the fee on the fractional remainder.

### **b. Density Bonus**

The Project provides 15% of the base allowable residential units as affordable ownership units, qualifying for a 10% density bonus. The DBL allows sponsors to elect a lesser percentage of density bonus, including but not limited to no increase in density.<sup>1</sup>

The Project proposes 29 dwelling units and 1 live/work unit. Sunnyvale’s zoning regulations are unclear if live/work units are considered a different land use from dwelling units. If so, the Project proposes the maximum permitted residential density at the site. To the extent Sunnyvale’s practice is to count live/work units as residential dwelling units, the Project would propose one density bonus unit.

The Project plans assume that Sunnyvale will treat the live/work unit as a dwelling unit, but that does not have any bearing on the Project’s ability to qualify for waivers; as noted above, the DBL applies even if a Project does not propose density bonus units, as long as it provides the requisite on-site affordable units.

c. Waiver Justifications

1. **Minimum Commercial Use and Parking (SMC 19.26.22)**

10% of lot area is required to be occupied by a commercial use. That would require 4,937 square feet of the Project to be commercial. Required commercial parking for administrative, professional, and medical office is 3.3 spaces per 1,000 sf, requiring 16.3 minimum spaces.

To the extent the Project's live/work unit is considered a dwelling unit, this requirement would eliminate 9 3-bedroom units. If it is considered a commercial use, then 8 units would be eliminated. The live/work unit's footprint does not occupy the minimum 10% of lot area, so a waiver is required in either scenario.

2. **Distance Between Buildings (SMC 19.48.030)**

The distance between detached buildings on the same lot is 20 feet at ground level, with an increase of three additional feet for each additional story.

The Project provides between 20-26 feet between most buildings at the ground floor; the distance between Buildings 2 and 3 at the ground level is 19-feet. It does not include graduated setbacks starting at the second story. Complying with this requirement would eliminate 4 dwelling units (16 bedrooms).

3. **Setbacks (SMC 19.34.030)**

20-foot front and rear setbacks, and 12-foot side setbacks, are required. The Project includes a 9-foot front setback, 5-foot and 6-foot side and 4'-10" rear setbacks. Literal compliance will result in the loss of 6 units and 7 units would need to be reduced in size.

4. **Open Space (SMC 19.37.040)**

400 square feet per unit of open space is required, for 12,000 square feet in total assuming the live/work unit is treated as a dwelling unit. Open space needs to have at least a 12-foot dimension, and a minimum area of 200 square feet if on the ground. Roof decks and porches must have a minimum 10-foot dimension and a total of 120 square feet.

The Project proposes roof decks that range in size from 213 square feet to 380 square feet, but no additional common open space. Literal application of the open space guidelines would require 22 units to be reduced in size, or a redesign that would eliminate the equivalent loss in bedrooms.

5. **Lot Coverage** (SMC 19.32.020)

A maximum lot coverage of 40% applies, or 19,748 square feet at the Project site. The Project proposes 22,670 square feet, or 45.9%. Complying with lot coverage will result in losing 4 three-bedroom units, equal to 2,922 square feet of lot coverage.

6. **Building Height** (SMC 19.32.020)

The building height limit is 35 feet. The Project proposes a building height of 40 feet to accommodate roof decks, required to meet the private open space requirements and objective design standards. Applying a 35-foot height limit with the Project's buildings as designed would require eliminating the top floor of each building, resulting in the loss of 60 bedrooms – 2 bedrooms from each unit.

7. **Unassigned Parking and Loading Spaces** (19.46.060; 19.46.100)

The Project is required to provide at least 17 unassigned parking spaces, rounding up from 16.8. (0.5 spaces/3-bedroom unit, 0.65 spaces/4-bedroom unit). Objective design standards also require one dedicated loading or pickup parking space per building.

The Project does not provide any unassigned parking spaces, or a loading or pickup space. Literal application of these requirements would result in losing 8 dwelling units, and an additional 5 units would need to be reduced in size.

d. Concessions and Additional Waivers

The Project as currently designed does not require any concessions. The Project sponsor reserves the right to add concessions and any additional required waivers at a later date.

Sincerely,

**REUBEN, JUNIUS & ROSE, LLP**



Mark Loper

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<sup>1</sup> Cal. Gov. Code § 65915(f).