

# The Greenway

## Project Description Letter

### Project Location

Parcel Number: 216-27-023

### Legal Description:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF KIFER ROAD THAT IS THE NORTHEAST CORNER OF THE 4.91 ACRE PARCEL OF LAND DESCRIBED IN THE DEED DATED JANUARY 08, 1960, TO MOORE BUSINESS FORMS, INC., FROM SOUTHERN PACIFIC COMPANY, RECORDED JANUARY 29, 1960, IN [BOOK 4680 OF OFFICIAL RECORDS, PAGE 223](#) AND 224, RECORDS OF SANTA CLARA COUNTY; THENCE NORTH 89° 17' 17" EAST ALONG SAID SOUTHERLY LINE AND ALSO THE NORTHERLY LINE OF LAND DESCRIBED AS PARCEL TWO IN DEED DATED JUNE 30, 1953, FROM J. CLAYTON ORR TO SOUTHERN PACIFIC COMPANY, RECORDED JUNE 30, 1953, IN [BOOK 2674 OF OFFICIAL RECORDS, PAGE 289](#), RECORDS OF SANTA CLARA COUNTY, 400.00 FEET TO A POINT IN THE CITY LIMIT LINE OF SAID CITY; THENCE SOUTH ALONG LAST SAID LINE, 581.00 FEET; THENCE SOUTH 89° 17' 17" WEST, 541.11 FEET TO A POINT; THENCE WESTERLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 296.84 FEET AND A CENTRAL ANGLE OF 9° 00' 00" (TANGENT TO SAID CURVE AT LAST MENTIONED POINT IS LAST DESCRIBED COURSE) AN ARC DISTANCE OF 46.63 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID 4.91 ACRE PARCEL OF LAND; THENCE NORTH 76° 13' 10" EAST ALONG LAST SAID SOUTHERLY LINE, 100.37 FEET TO A POINT; THENCE NORTH 57° 37' 10" EAST, 106.57 FEET TO A POINT IN THE EASTERLY LINE OF SAID 4.91 ACRE PARCEL OF LAND; THENCE NORTH ALONG SAID EASTERLY LINE 506.00 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 5.450 ACRES, MORE OR LESS.

EXCEPTING AND SUBJECT TO THE RESERVATION FOREVER (AS SET FORTH IN THE DEED FROM THE SOUTHERN PACIFIC COMPANY, A DELAWARE CORPORATION, TO BEATRICE FOODS CO., A DELAWARE CORPORATION, BY DEED RECORDED APRIL 04, 1961, IN [BOOK 5123 OF OFFICIAL RECORDS, PAGE 415](#)) OF THE TITLE AND EXCLUSIVE RIGHT TO ALL OF THE MINERALS AND MINERAL ORES OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UPON, WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED THEREFROM, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ALL PETROLEUM, OIL, NATURAL GAS AND OTHER HYDROCARBON SUBSTANCES AND PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE EXCLUSIVE AND PERPETUAL RIGHT OF RESERVOIR, ITS SUCCESSORS AND ASSIGNS, OF INGRESS AND EGRESS BENEATH THE SURFACE OF SAID LAND TO EXPLORE FOR, EXTRACT, MINE AND REMOVE THE SAME, AND TO MAKE SUCH USE OF SAID LAND BENEATH THE SURFACE AS IS NECESSARY OR USEFUL IN CONNECTION THEREWITH WHICH USE MAY INCLUDE LATERAL OR SLANT DRILLING, BORING, DIGGING OR SINKING OF WELLS, SHAFTS OR TUNNELS; PROVIDED, HOWEVER, THAT SAID RESERVOIR, ITS SUCCESSORS AND ASSIGNS, SHALL NOT USE THE SURFACE OF SAID LAND IN THE EXERCISE OF ANY OF SAID RIGHTS, AND SHALL NOT DISTURB THE SURFACE OF SAID LAND OR ANY IMPROVEMENTS THEREON.

Site Address: 1484 Kifer Road

## Detailed Narrative

The site is currently an impervious asphalt parking area, a vacant building and a partially subterranean parking garage. The project will replace the vacant building and demolish the parking areas, grade the site, install new utilities, and construct 136 townhome-style condominiums and a new central green that connects Kifer Rd to a new privately maintained public access trail and pocket park. It will connect to existing City utilities and roadways, install new landscaping, and provide 24 affordable housing units designated to low-income AMI's.

## Proposed Project Details

- Thirteen 3-story all-residential buildings are proposed; several of the buildings have one story elements that create architectural interest.
- The project proposes 136 residential units.
- Measured from top of nearest curb, the buildings will have a maximum height 40'-0"; currently 38-feet-4 ½ inches is shown, well below the maximum building height of 100 feet.
- 252 parking spaces will be provided (2 per unit in 3-bedroom covered garages, 1 per unit in 1-bedroom covered garages [241] and 11 additional surface parking spaces) where 220 parking spaces are required.
- 24 affordable units, or 17% of the proposed project, will be sold at low affordability levels, which is a higher quantity and deeper level of affordability than required by the City's Municipal Code. The Municipal Code allows lower income units in lieu of moderate-income units (Sections 19.67.020 and 19.67.050(a)).
- The City's General Plan requires 30.6 dwelling units per acre on the 4.415 net acre site after dedications. The project proposes 136 units in total, which provides a density of 30.8 dwelling units per acre.
- There are no existing residential units on the project site.

## Information Regarding Requested Approvals

The project is eligible for two density bonus concessions, parking reductions, and unlimited waivers consistent with state Government Code §65915. Accordingly, City Ventures is proposing 1 Concession, parking reductions and 8 waivers as detailed herein and respectfully reserving the right to request one additional concession or additional waivers in the future in accordance with state law.

City Ventures respectfully requests a Vesting Tentative Map Permit and Special Development Permit Approval.

## No Point Sources Proposed

The project does not propose any point sources of air or water pollutants.

## Species of Special Concern

Per CNDDDB review, there are no plant or animal species of special concern known to occur on the property.

## Historic or Cultural Resources

Per the project's historical resources evaluation, there are no historical resources on the property.

Density Bonus Summary	
Topic	Description
Concessions	<i>The project is entitled to receive two concessions for having 17% of the base density be lower income units (Gov Code Sec 65915(d)(2)).</i>
1) BMR Unit Size/Bedroom Count	<p>The project is requesting one concession and reserving the right to request an additional concession in the future, consistent with State Density Bonus Law.</p> <p>Sunnyvale Municipal Code §19.67.050 requires 15% (21 units) of the 136 total units must be deed-restricted at moderate-income levels. Additionally, §19.67.070 requires that the average bedroom count of below-market-rate (BMR) units match the average bedroom count of the project's market-rate units and that BMR unit sizes be at least seventy-five percent (75%) of the average size of comparable market-rate units.</p> <p>The project is proposing to exceed the City's minimum requirement by providing 17% (24 units) of the 136 total units as deed-restricted BMR units (three more than required), all at low-income levels—a deeper level of affordability than the City's moderate-income requirement. These 24 BMR units are distributed throughout the project site (See Page A06) and include 3 three-bedroom units, 11 one-bedroom units, and 10 studios, ranging in size from approximately 260 to 1,403 square feet. All market-rate units in the project are three-bedroom units ranging in size from 1,403 to 1,760 square feet.</p> <p>While the project provides a diverse mix of affordable unit types, exceeds the minimum number of required BMR units, and achieves a deeper affordability level, a Density Bonus concession is requested to allow deviations from the requirements of SMC §19.67.070 regarding bedroom count and unit size. The requested concession ensures that the project remains consistent with the City's inclusionary housing ordinance as implemented through State Density Bonus Law.</p> <p>Strict adherence to the City's BMR Ordinance would increase the cost of constructing affordable units and adversely affect the financial feasibility of the project. The requested concession allows the project to maintain overall compliance with the City's inclusionary requirements as implemented through State Density Bonus Law, without requiring a separate Alternative Compliance application. Per Government Code § 65915(j)(1)(2), "The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, <u>or other discretionary approval.</u>" Therefore, the use of a concession for Sunnyvale Municipal Code §19.67.070(c) maintains project consistency with the City's BMR ordinance and therefore would not require an alternative compliance application which is an additional discretionary approval.</p>

<i>Parking</i>	<i>The project is entitled to use the vehicular parking ratio provided in Gov Code Section 65915(p)</i>
	<i>The project is required to provide 220 total parking spaces. 252 (+32) have been proposed. Additionally, each garage will come equipped with a permanent bicycle parking space. Additional guest and permanent bicycle parking shall be available throughout the site.</i>
<i>Waivers</i>	<i>In addition to incentives or concessions, a developer may request waivers of any development standards that would have the effect of physically precluding the construction of a development at the density or with the incentives or concessions permitted by the State Density Bonus Law (SDBL).</i>
1) Setbacks	<p>FRONT YARD: Table 19.35.070 of the Sunnyvale Municipal Code establishes 15-foot front yard setbacks along Kifer Road and Uranium Drive for the MXD-II Zoning District. The same table requires 10-foot setbacks from internal streets.</p> <p>The project proposes minimum 10-foot front yard setback on Kifer Road and a 1' 8" minimum setback on Uranium Drive. Requiring a 15-foot front yard setback on both street frontages and 10-foot setback from internal streets would reduce the buildable footprint of the site, particularly affecting building placement, internal circulation, lowering unit count, and reducing surface parking. Absent this waiver, application of this development standard would physically preclude construction of the proposed housing development project.</p>
	<p>SIDE YARD: Table 19.35.070 of the Sunnyvale Municipal Code establishes a 10-foot minimum side yard setback for the MXD-II Zoning District.</p> <p>The project proposes 5-foot minimum side yard setbacks. Requiring a 10-foot front yard setback would reduce the buildable footprint of the site, particularly affecting building placement, internal circulation, lowering unit count, and reducing surface parking. Absent this waiver, application of this development standard would physically preclude construction of the proposed housing development project.</p>
	<p>BETWEEN MAIN BUILDINGS ON THE SAME LOT: Table 19.35.070 of the Sunnyvale Municipal Code establishes a 20-foot minimum setback between main buildings on the same lot for the MXD-II Zoning District.</p> <p>The project proposes an 8 foot setback between main buildings. Requiring a 20-foot minimum setback between main buildings would reduce the buildable footprint of the site, particularly affecting building placement, internal circulation, reducing unit count, and reducing surface parking. Absent this waiver, application of this development standard would physically preclude construction of the proposed housing development project.</p>

<p>2) Ground floor plate height (ODS 2.2, Table 2A)</p>	<p>The ODS require minimum ground floor plate heights of 14 feet.</p> <p>The project proposes a 9-foot, 1-inch ground floor plate height, consistent with residential standards (vs 14', which is a typical minimum for ground floor commercial spaces). Increasing the ground floor plate height by 4 feet and 11 inches would reconfigure the stairs in such a way that the unit sizes would have to increase and the density would be reduced below the site minimum. Absent this waiver, application of the development standard would physically preclude construction of the proposed housing development project at the permitted density.</p>
<p>3) Services-Restricted parking (ODS 5.2)</p>	<p>The ODS require at least one parking space to be dedicated to loading/unloading or pick-up/drop-off activities per building and located within 10 feet of that building and be at least 350 square feet and 35 feet long minimum in one direction.</p> <p>The standard would imply thirteen 10' x 35' parking spaces. This additional loading parking would take up a significant amount of land, requiring the loss of units and thereby reducing the density below the site minimum. Absent this waiver, application of this development standard would physically preclude construction of the proposed housing development project at the permitted density.</p>
<p>4) Subsurface Transformers (SMC 19.38.090, ODS 5.6)</p>	<p>SMC 19.38.090 and ODS Section 5.6 require all new transformers to be installed underground. The project proposes seven pad-mounted transformers and may require additional units subject to PG&amp;E's final engineering review during the permitting phase. Requiring all transformers to be underground would preclude construction of the project at the permitted density. There is currently a nationwide shortage of subsurface-mounted transformer units, and PG&amp;E has communicated across jurisdictions that procurement timelines for these underground transformer types are significantly delayed. As a result, requiring underground installation would prevent the project from securing the necessary electrical infrastructure to energize the buildings, ultimately preventing issuance of a Certificate of Occupancy. Therefore, absent approval of this waiver, application of this development standard would physically preclude construction of the proposed housing development project as allowed under State Density Bonus Law.</p>
<p>5) Transformers between face of building and street (SMC 19.38.020)</p>	<p>SMC 19.38.020 prohibits placement of equipment between the building façade and the street. The project proposes four pad-mounted transformers in these locations, with the potential for additional units pending PG&amp;E's final engineering review during the permitting stage. Relocating the transformers behind the buildings is not feasible. Doing so would require expanding utility easements and circulation clearances into areas currently occupied by residential building footprint, resulting in the loss of units and reducing the project's density below the site minimum. Subsurface transformers are also not a viable alternative at these locations due to the ongoing nationwide shortage of underground transformer units, which PG&amp;E has indicated results in procurement delays that would prevent timely energization. Therefore, absent approval of this waiver, application of this</p>

	development standard would physically preclude construction of the proposed housing development project at the permitted density under State Density Bonus Law.
6) Trash Enclosure (SMC 19.38.030)	<p>SMC 19.38.030 requires that recycling and solid waste enclosures be located within 150 feet by path of travel from any dwelling unit and that two 96-gallon carts be provided for each studio unit. As shown on the architectural Site Plan, the project cannot meet these requirements for the ten studio units. Strict compliance would require placing twenty total carts within ten separate 150-foot service zones, which would in turn require constructing multiple trash enclosures throughout the site. The land area needed to accommodate these enclosures would force the removal of residential units, reducing the project's density below the site minimum and physically precluding the intended housing development. Therefore, absent approval of this waiver, application of this development standard would physically preclude construction of the proposed housing development project at the permitted density under State Density Bonus Law.</p> <p>The ten studio units are instead proposed to share a single consolidated set of containers located along the sides of Building 11 and Building 12. Each location includes a six-foot-tall wood screening fence that fully screens all containers from public view. The required bin and cart capacity was calculated using the methodology in Example 2 of Appendix A of the City's Design Guidelines for Recycling, Organics and Solid Waste Services for Commercial, Multi-Family Residential, and Mixed-Use Projects. Under these guidelines, the generation rate is 0.3 cubic yards per unit, resulting in a total of 3 cubic yards of material generated per week for all ten studio units combined. Applying the Appendix A method results in one 35-gallon compost cart, two 96-gallon recycling carts, and one 1-cubic-yard garbage bin to adequately serve all ten studio units.</p>
7) 22' Share-Use Path (LSAP Figure 3-2)	<p>LSAP Figure 3-2 identifies a 22-foot shared-use path easement, accompanied by a note stating that "all improvements shown are conceptual and subject to further analysis and refinement," which acknowledges that the requirement may be satisfied through alternative configurations and does not require the final design to match the conceptual 22-foot section. Requiring a strict interpretation of this standard would preclude construction of the project at the permitted density because accommodating the full 22-foot width would require removal or significant reduction of the buildings along the southern portion of the property, resulting in the loss of units and reducing the density below the site minimum. Absent this waiver, application of this development standard would physically preclude construction of the proposed housing development project.</p> <p>City Ventures is proposing an alternative that meets the intent of the LSAP multi-use trail concept by providing a 16-foot-wide easement consisting of a 10-foot multi-use path with a 2-foot shoulder on the south side and a 4-foot</p>

	<p>shoulder on the north side, along with a 0.03-acre parklette to enhance the usability and experience of the trail. During the Pre-Application stage, City Ventures discussed the conceptual nature of the LSAP shared-use trail with Principal Planner Shaunn Mendrin, who indicated staff support for an approach that fulfills the intent of the trail requirement by locating the path along the southern portion of the private property and supplementing it with a pocket park to enhance the trail experience.</p>
<p>8) 20% Minimum Parking Lot Landscape Area (SMC 19.46.120)</p>	<p>SMC 19.46.120 requires 20% of the surface parking lot to be landscape area. Please see sheet L-4 where the project's proposed parking landscape area is 0.86% which is below the 20% minimum requirement. Meeting the 20% minimum requirement would require more land area and would require a loss of units thereby reducing the density below the site minimum. Absent this waiver, application of this development standard would physically preclude construction of the proposed housing development project.</p>