

Aastha Vashist
City of Sunnyvale
456 W Olive Ave.
Sunnyvale, CA 94086

Re: 444 Old San Francisco Road Project - A Development for 19 units Apartment Building

Concessions Letter

AB 1763:

This bill would additionally require a density bonus to be provided to a developer who agrees to construct a housing development in which 100% of the total units, exclusive of managers' units, are for lower income households, as defined. However, the bill would provide that a housing development that qualifies for a density bonus under its provisions may include up to 20% of the total units for moderate-income households, as defined. The bill would also require that a housing development that meets these criteria receive 4 incentives or **concessions** under the Density Bonus Law and, if the development is located within ½ of a major transit stop, a height increase of up to 3 additional stories or 33 feet. The bill would generally require that the housing development receive a density bonus of 80%, but would exempt the housing development from any maximum controls on density if it is located within ½ mile of a major transit stop. The bill would prohibit a housing development that receives a waiver from any maximum controls on density under these provisions from receiving a waiver or reduction of development standards pursuant to existing law, other than as expressly provided in the bill. The bill would also make various nonsubstantive changes to the Density Bonus Law.

(B) Two incentives or **concessions** for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

The proposed is a multi story housing project. It consists of total 19 units including 3 affordable housing units. Per California State **AB 1763**, the project is developed utilizing 35% extra density bonus and the parking incentive. Further, the project is applying for planning approval for 2 concessions and 2 waivers to the project.

$$14 \times (1 + 35\%) = 19 \text{ units}$$

$$14 \times 20\% = 3 \text{ lower units}$$

$$14 \times 10\% = 1 \text{ very low unit}$$

The project will utilize the following two allowable concessions:

1. Side Yard Setback:

The required side yard setback is 18' for a four-story building.

The site is located at the corner of the Old San Francisco and Cezzane Drive with 2 street front facings. Because of the extra units with the increased floor area, the ground level circulation area needed, the lower levels of the building are inside of the side yard setbacks as: 10'-8" for ground level, 15'-0" for the second and third floor and 18'-0" for the fourth floor.

We request a concession because:

With this concession we are able to layout the site with the best possible functionality and efficiency, to achieve a suitable building scale facing the neighbors, to maximum the usable open spaces for the residents, to enrich the building side facade and overall appearance. The shadow study shows that there is no negative impact to the adjacent properties. More importantly this concession enables the project to gain extra building spaces for the additional affordable units for the community.

The additional space at the lower levels will allow the project to maximize density and affordable housing units. Also, the encroaching point of the garbage room enclosure on the ground floor is carefully designed to maintain the minimum size with an efficient and functional layout. Also this further articulate east facade and read the middle, top and bottom of the massing.

It is our interpretation and understanding that this concession covers the first, second and third floor of the side yard setbacks.

2. Landscaping:

The R-4 zone requires to have 375 S.F. of other landscaped area for each unit.

Please refer to the existing conditions landscape area calculations on sheet A0.12a. In terms of area (approx. 4,982 sf) and percentage of site (28%), the proposed landscape area is obviously higher than the 20% required minimum landscape area on the site. While significantly improving the quality of the landscape area on the site, the proposed site has roughly 262 sf/unit(including the affordable units) and does not meet the area/unit minimum due to the increased density of the site.

For a high density housing project located in the urban setting area, the individual landscaping area for each unit is a tough challenge. Although the nearby community park and open area could be a help, the project has strived to maximize the ground level open spaces and utilized almost every possible area for landscaping.

Therefore we request for a concession.

Waiver

1. Usable Open Space:

Please refer to the updated Usable Open Space area calculations on sheet A0.12. 5,839 sf usable open space area in total resulting in 307 sf per unit has been proposed in this project. However, 380 per unit is required per the zoning code. The project has proposed enlarged corridors at every floor including the entry porch at ground floor to really encourage social interaction, outdoor living, recreation, pedestrian access, which is essentially the equivalent to the function of the open space. Because those areas are not counted towards the usable open space, and also some private balconies are excluded due to the noise impact from the front street, a concession is needed for the usable open space area requirement.

With counting the enlarged corridor area of 1,914 sf, it will be 7,753 sf with 408 sf/unit for the usable open space area.

Due to incentive affordable units developed, the open space area per unit is limited.

Additionally, there are major areas facing Cezanne Dr and Old San Francisco Rd will be impacted by the noise from the public right of way, thus the usable open space will get greatly reduced if excluding those noise impacted areas.

Even though we are trying to put open space to encourage outdoor life as much as possible, due to the challenges above, a waiver for usable open space is requested.

2. Private Usable Open Space:

Please refer to the updated Private Usable Open Space area calculations on sheet A0.12. Even though the current area calculation shows 1,521 sf is meeting minimum dimensions for the private usable open space, as well as the minimum area requirement of 1,520 sf, quite a few private balconies are not qualified in the calculation due to the noise impact from the Cezanne Dr and Old San Francisco Rd, thus a waiver is needed for the private usable open space area requirement.