

June 6th, 2023

Deviation Letter

The Project at 444 Old San Francisco Road, Sunnyvale plans to remove the current one-story single-family house and develop eight three-story townhouse units on the site.

Due to the lot size limitation and location constraints, the giving neighborhood architectural pattern, and the city zoning regulations, the project needs some adjustments in design, therefore we are requesting two deviations as listed below:

1. Front yard setback:

The code requires the front yard setback to be 20', but The Project proposes 9' and 13' for the front yard setback.

Note: the site is located at the corner of the Old San Francisco Road and Cezanne Drive with 2 street front facings, so one-half of the all-yards subjects to the front yard setback requirement.

This deviation is necessary because:

A. With this deviation we are able to layout the site with the best possible design functionality and efficiency, to scale a suitable building mass in the neighborhood, to maximize the usable open spaces for the residents, and to enrich the building facade and overall appearance.

B. With this deviation we are able to achieve the most numbers of the unit per city density requirements while maintaining the desired architectural design quality.

C. With this deviation, we are able to avoid any reduced side yard setback situations so the distances to the adjacent property meet code requirement. Further, per Shadow Study this deviation will not have any negative impacts to the adjacent properties.

2. Usable Open Space and Private Usable Open Space:

The code requires the usable open space for each unit to be 380 SF, but The Project proposes 334 SF for each one. The code requires a private usable open space of 80 SF attached to each unit, but The Project could not provide them for Unit A to D.

Note: Due to the urban setting and the corner lot (two front yards) situation, the significant part of the open spaces is within the front yard area. But the Planning comments PL-7 dated on 11/7/2022 indicates that "Useable open space may not be located in any required front yard area for projects with a front yard setback variance or deviation."

This deviation is unavoidable because:

The proposed usable open space area is greatly impacted/reduced by the way how the area is defined and calculated. The Project provides around 4500 SF of usable open space resulting 560 SF for each unit, which is totally exceeds the code requirement, the number now is less than 380 SF per unit only because that the front yard area is completely excluded in the calculation; in the same situation, due to the site restrains the private usable open spaces for Unit A to D are located within the front yard setback, they all exceed 80 SF in the area, but cannot not be counted into the calculation.

The area is adequately provided, and it will be well used by the residents.