

RECOMMENDED FINDINGS
2014-7417
915 DeGuigne Drive

Special Development Permit

Goals and Policies that relate to this project are:

- **Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- **Policy LT-3.2** Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.
- **Policy LT-4.1** Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.4** Preserve and enhance the high quality character of residential neighborhoods.
- **Policy LT-5.9** Appropriate accommodations for motor vehicles, bicycles, and pedestrians shall be determined for City streets to increase the use of bicycles for transportation and to enhance the safety and efficiency of the overall street network for bicyclists, pedestrians, and motor vehicles.
- **Policy LT-5.11** The City should consider enhancing standards for pedestrian facilities.
- **Policy CC-1.3** Ensure that new development is compatible with the character of special districts and residential neighborhoods.
- **Policy CC-2.1** Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.
- **Policy HE-1.1** Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.
- **Policy HE-4.3** Require new development to build to at least 75 percent of the maximum zoning density, unless an exception is granted by the City Council.

In order to approve the Special Development Permit, the decision maker must be able to make at least one of the following findings.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (*Finding met.*)

The proposed project meets the goals and policies of the General Plan as listed above by providing 450 ownership housing units in compliance with the R-3 zoning designation and minimum density Policy. The high quality architectural design and materials of the project will enhance the neighborhood aesthetics and contribute positively to the streetscape. The design of the proposed park will be subject to separate review and approval of the Parks and Recreation Commission. The project incorporates planned public and private improvements outlined in the adopted East Sunnyvale Sense of Place Plan and does not conflict with the approved road design for the E. Duane Avenue road diet project.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. (*Finding met.*)

The project complies with all development standards such as setbacks, parking, lot coverage, height, landscaping, and usable open space. The proposed project is a similar density and style of development east of the site. The site layout adequately buffers the proposed development from adjacent school and industrial uses with landscaping and setbacks as well as appropriate architectural scale along the street. The design of the homes is considered high quality and will greatly improve the overall appearance of the area over current conditions

Variance

In order to approve the Variance, the decision maker must be able to make all of the following findings.

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.

The existing trash service options permitted by Sunnyvale Municipal Code Chapter 19.38.030 (individual carts or centralized enclosures within 150 feet of each unit) would require additional area devoted for trash facilities in order to serve 450 units. Private streets would have to be increased in width to allow for access and circulation of trash trucks. In addition, landscaping, usable open space, pedestrian walkways, and surface parking spaces would also have to be reduced to accommodate cart staging areas for 18 centralized enclosures.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The proposed concierge trash service will not negatively impact neighboring residents. Infrequent noise emitted from the trash compactor is considered minimal and will comply with noise standards. The visual impacts of the proposed concierge trash service are minimized as less land is devoted to trash service infrastructure and can be allocated to other site amenities. The service also creates a more efficient trash collection system for residents and the City's solid waste collection service operator. As conditioned, future modifications to trash service in the development would require approval by the City.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

The proposed project would be the second project in the City to utilize concierge trash service in Sunnyvale; however the service has operated in nearby cities including Milpitas, Santa Clara, and San Jose. The proposed service meets the intent of SMC 19.38.030 by providing convenient and adequate trash and recycling service for a development.

Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Staff was not able to make any of the following findings and recommends approval of the Tentative Map.