

RECOMMENDED FINDINGS

USE PERMIT

In order to approve the Use Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (Finding not met)

Although the proposed development allows for a transition in density between single-family uses and nearby multi-family development, the site layout and scale of the proposed homes is out of character with the immediate neighborhood. An alternative layout with one primary driveway off the public street that runs along the north side of the site is preferred. This would allow for increased landscaping and may ensure the long-term survival of the existing mature street trees. An alternative layout could be considered that would enable all development standards to be met.

Policy LT-4.2: Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.

Policy HE-4.1: Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

LT-2.2b: Encourage development of diversified building forms and intensities.

LT-4.4a: Require infill development to complement the character of the residential neighborhood.

Single Family Home Design Techniques

2.2(2): Respect the scale, bulk, and character of homes in the adjacent neighborhood

2.2(4): Minimize the visual impacts of parking

3.4: Design second floors to complement first floor forms and minimize visual impact

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 the orderly development of, or the existing uses being made of, adjacent properties. (Finding not met)

Given the predominant one-story single-family pattern within the adjacent neighborhood, the proposed mass and overall size of the attached single-family

homes are out of scale. Reductions in the size of the second-floor areas for each unit would enable the homes to better blend in with surrounding development.

TENTATIVE MAP

In order to approve the Tentative Map, the proposed subdivision must be consistent with the General Plan. In this case, staff finds that the Tentative Map is not in conformance with the General Plan, since staff was able to make at least one of the following findings.

- 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 able to make Finding #2 because the site layout does not complement the character of the surrounding neighborhood and therefore the design or improvement of the proposed subdivision is not consistent with the General Plan. Given the limited street frontage of the site, a more optimal layout with one driveway is recommended and would better contribute to the visual appearance of the development. An alternative layout could also enable all development standards to be met without the need of a Variance.

VARIANCE

In order to approve the Variance, the following findings must be made:

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.
(Finding Not Met)

Since the property is being redeveloped, the proposed site layout could be modified such that a Variance for side yard setbacks would not be necessary. A single driveway with a flag lot configuration and detached single family homes could be positioned on the respective lots, while meeting minimum setback and other development standards.

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. **(Finding Not Met)**

Granting of the Variance would be detrimental to the public welfare as the proposed layout could set a precedent for similar site design in future redevelopment. Although a common site design in the past for duplexes, the site layout results in a less appealing streetscape view, due to a predominant use of parking area along the front elevation and the fact that the front entrances are also completely hidden from view.

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.
(Finding Not Met)

Staff is not able to make this finding as no similar variances have been granted for this request in the immediate area. An alternative lot configuration could be designed that would enable each of the homes to meet the required setbacks and result in the homes to be positioned adequately away from established neighboring development.