

RECOMMENDED FINDINGS

Design Review

The proposed project is desirable in that the project's design and architecture complies with the policies and principles of the Single Family Home Design Techniques.

Basic Design Principle	Comments
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	As with other homes in the vicinity, the proposed residence is oriented with its front entry facing Cardinal Dr. with an entry feature consistent with other two-story homes in the neighborhood. Finding Met
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The proposed home respects the scale, bulk, and character of other two-story homes in the neighborhood because the project has a reasonable 24' height, 8' plate heights, a second story to first story ratio of 25%, and exterior materials that are compatible with the neighborhood. Changing the second story roof to a hip roof form, will reduce the impact of the second story on the streetscape. Finding Met
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The proposed residence complies with code requirements related to height, lot coverage, and solar shading. The generous setbacks protect the neighbor's privacy. Finding Met
<i>2.2.4 Minimize the visual impacts of parking.</i>	The parking layout is consistent with the prevailing neighborhood pattern. Finding Met
<i>2.2.6 Use high quality materials and craftsmanship</i>	The proposed design uses high quality stucco and siding, and standing seam metal roof. Finding Met
<i>2.2.7 Preserve mature landscaping</i>	No protected trees will be removed as part of this project. Finding Met

Use Permit Findings (Fence):

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

1. *Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; Finding met.*

City of Sunnyvale General Plan

- *CC-2: Attractive Street Environment: Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.*

The proposed fence design and height from grade are similar to other reducible front yard fences found in the neighborhood. The fence will provide the property owner reasonable privacy required because the house is setback 6'2" from the property line when a 9' setback is required.

2. *Ensure 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 7'5" fence provides the property owner privacy without creating a walled-off appearance on the streetscape. The fence has been in place for many years without complaint from adjacent neighbors.

Variance Findings (Patio)

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance.

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 of privileges enjoyed by other properties in the vicinity and within the same zoning district.

The property has a 7% smaller lot size of 5,614 sq. ft. (386 sq. ft.), than the minimum lot size of 6,000 sq. ft. required in the R-0 zoning district. The patio encroaches 9" into the required rear yard or about 11 sq. ft. (9" x 15'). 11 sq. ft. is less than a 1% encroachment into the required rear yard. The encroachment is proportional to the smaller lot size.

AND

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 purpose of the setbacks is to provide light and ventilation to the property. The setback is only reduced by 9". The patio' 11 sq. ft. encroachment (9" x 15') into the required rear yard is not materially detrimental to the public welfare or injurious to the property improvements or uses within the immediate vicinity because the open trellis portion allows light and ventilation into the rear yard and the minimal encroachment is imperceptible to the neighbors. The patio design does not block light or ventilation to the neighbors.

AND

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.

All the adjacent neighbors have installed patios that are the same size or larger within the required setbacks in their rear yards. From the neighbor's views the encroachment is not noticeable.

Variance Findings (Air Conditioner)

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance.

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 of privileges enjoyed by other properties in the vicinity and within the same zoning district.

The 6'2" reducible front yard does not allow an air conditioning unit to be placed in the reducible front yard to conform to the setback requirement. The reducible front yard is a common to place an air conditioning unit in the neighborhood because it leaves the rear yard free for recreation and noise-free enjoyment of the outdoors and protects the side yard neighbor from the noise produced by the air conditioning unit.

AND

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 unit is a compact style and screened from the street by the fence on the reducible front yard so it is not materially detrimental to the public welfare. The air conditioning has been in its current location for many years without complaint from the neighbors. All neighbors have written in support of the current location of the air conditioning unit.

AND

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 purpose of the setback is to provide light and ventilation to the immediate area. Allowing the air conditioning unit at 4'11" from the property line will still serve the intent of the ordinance. The property owner is not granted a special privilege by being allowed to locate their air conditioning unit 4'11" from the reducible front property line. The reducible front yard is a common and preferred location for an air conditioning unit that many homeowners in this neighborhood enjoy.