

RECOMMENDED FINDINGS

Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Goal LT-4: In combination with the City's Community Design Sub-Element, ensure that all areas of the city are attractive and that the city's image is enhanced by following policies and principles of good urban design while valued elements of the community fabric are preserved.

Goal LT-6: Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.

Policy LT-6.4: Allow compatible and supporting uses such as group homes, places of assembly, community centers, recreational centers, and child-care centers in residential neighborhoods (including single-family neighborhoods) subject to review and consideration of operations, traffic, parking, and architecture.

Policy LT-7.1: In addition to more traditional forms of housing (single-family detached, townhouses, garden apartments, and shared corridor multi-family housing), support alternative housing types including co-housing, single room occupancy units, live/work spaces, transitional housing, assisted living, and other types that may become necessary and appropriate to serve a changing population.

Goal LT-8: Create a city development pattern and improve the city's infrastructure in order to maximize healthy choices for all ages, including physical activity, use of the outdoors, and access to fresh food.

Housing Element

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.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The site is designated as Public Facilities in the General Plan. This designation provides for public and quasi-public services such as parks, schools, places of assembly, child-care centers, and other civic and public facilities. The site is also zoned as PF (Public Facilities). The proposed assisted living facility use is comparable and not more intense than rest homes and convalescent hospitals, which can be considered in the PF zoning district. The proposed use provides a service to the public by providing additional options for senior living in the community. The proposed use is compatible with the

surrounding residential neighborhood and may have less noise and traffic impacts on the adjoining residential uses compared to other uses that may be considered in the PF zoning district.

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.

The proposed project's high-quality architectural design and landscaping will enhance the appearance of the site and contribute positively to the surrounding neighborhood. The use serves as a transition from Fremont Avenue to a residential neighborhood. While the proposed building exceeds the height of adjoining residential uses, additional setback is provided to allow for visual relief. The proposed building height results in a smaller building footprint. Moreover, the building steps down from three to two stories in the rear. Privacy plantings are also proposed at the rear interface with the neighboring residential properties. Surface parking area is minimized through the proposed underground parking garage, which allows for more landscaping and open space, including a community garden space with public access

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

Due to the location of established trees on adjacent properties, an eight-foot tall perimeter wood fence is proposed in lieu of a masonry wall, as required by the Municipal Code. A masonry wall requires footings along the property line which can damage several tree roots. The construction of a wood fence would have lesser impacts on the existing trees than a masonry wall would. The wood fence would achieve the same purpose of screening the site with a similar material as other neighboring residential uses.

A 10-foot landscape buffer is provided along the site perimeter. A portion of the landscaping buffer along the west property line closest to Manet Drive includes a loading space for delivery trucks as required by the Zoning code. The loading space is proposed in the landscaping buffer in order to allow a continuous sidewalk to be included around the building. Other options for loading space were found to be infeasible due to conflicts with sidewalk/walkways and potential privacy and noise concerns to adjacent neighbors. The loading space in its proposed location would be closest to the building's service door and there are no residential buildings immediately adjacent to this location.

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 wood fence and location of the truck loading space within the required landscape buffer would not be materially detrimental to the public welfare or injurious to the properties, improvements or uses within the vicinity and within the same zoning district. Although the residential care facility is considered a commercial use, it operates similar to a residential use in many aspects. The wood fence proposed is compatible with the surrounding residential uses. Moreover, a masonry wall could potentially damage existing mature trees on adjacent properties. The proposed location of the truck loading space is more functional to the site operations and is located further away from adjoining residential properties which minimize privacy and noise impacts..

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 Variance requests for the truck loading space within the required landscape buffer, and an eight-foot tall perimeter wood fence in lieu of a masonry wall are reasonable requests and do not grant special privileges not enjoyed by other property owners within the same zoning district. The location of the truck loading space is near a building service entrance which is comparable to other nonresidential uses. Additionally, its

location is less impactful to adjacent properties. The wood fence would achieve the similar purpose of screening the site as a masonry wall would and would match the design of other fences in the residential neighborhood.