SUBJECT: 2010-7291 - The Ridgecrest Group/Omid Shakeri: Application for related proposals on a 29,250 square foot site located at 574 Bobolink Circle in an R-0/S (Low Density Residential/Single Story) Zoning District. (Negative Declaration) (APN: 309-02-034);

Motion Design Review for three one-story single-family homes. Two homes exceed 3,600 square feet which require Planning Commission review.

Motion Variance from Sunnyvale Municipal Code Section 19.26.200(f)(1) to allow 19’6” height where 17’ is allowed in the single story combining district for each home.

REPORT IN BRIEF

Existing Site Conditions One single-family home and two accessory buildings

Surrounding Land Uses
- North Single Family Home
- South Single Family Home
- East Single Family Home
- West Single Family Home

Issues Building Height, Neighborhood Compatibility

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions
ANALYSIS

Revised 6/25/2010
Description of Proposed Project

The proposed project includes a Design Review for three single family homes and Variance from height requirements within the single-story combining district (19 feet, 6 inches where 17 feet is allowed). Two of the proposed homes are greater than 3,600 square which require Planning Commission review. The design of the homes has not been modified since the approval (expired) from 2007.

Background

Project Background: The proposal was first reviewed by the Planning Commission in 2006 when the site was considered for a four-lot subdivision (Parcel Map), Special Development Permit and Rezone (PD). This particular proposal was denied. In 2007, a revised proposal for a three-lot subdivision (Parcel Map) and Variance from lot width requirements was approved by the Planning Commission. Subsequently later that year, three individual homes on the newly created lots were approved by staff through separate Design Review applications. No building permits were issued for the three homes and subsequently, the Design Review applications expired in November of 2009. In December of 2009, single-family development standards were modified including the overall floor area threshold which requires Planning Commission review. The threshold was lowered from 4,050 square feet to 3,600 square feet. Two of the proposed homes exceed the new threshold.

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

<table>
<thead>
<tr>
<th>File Number</th>
<th>Brief Description</th>
<th>Hearing/Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-0205</td>
<td>Rezone to Single Story Combining District</td>
<td>City Council / Approved</td>
<td>6/11/02</td>
</tr>
<tr>
<td>2006-1111</td>
<td>Parcel Map for a three lot Subdivision and Variance from lot width requirements</td>
<td>Planning Commission/ Approved</td>
<td>1/22/07</td>
</tr>
<tr>
<td>2007-1156, 1157, 1158</td>
<td>Design Review Applications for three single family homes</td>
<td>Staff/ Approved (expired)</td>
<td>10/25/07</td>
</tr>
</tbody>
</table>

Revised 6/25/2010
Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions includes construction of single-family homes.

General Plan and Zoning District: The project site lies within a single-family neighborhood and has the General Plan designation of Residential Low Density. The subject site lies within the R-0/S (Residential Low Density/Single-Story) Zoning District. This neighborhood was approved for a single-story combining district in 2002 and was renewed in 2009.

Design Review

Site Layout: Although the original lot utilizes a Bobolink Circle address (574 Bobolink Cir.); two of three proposed lots will contain addresses on Bobwhite Avenue. The remaining lot will be on Bobolink Circle (See site plan in Page 1 of Attachment C). Two of the homes directly face the street similar to other homes in the neighborhood. The remaining home has a flag-lot configuration with a garage positioned further away from the public street. The smallest of the three homes, which lies on Lot #2, is located at the intersection of Bobwhite Avenue and Bobolink Circle. Each of the homes meets setback and lot coverage standards for properties located within the R-0 Zoning district.

The total size of the homes are 3,845 (43.5% FAR), 3,385 (38.5% FAR), and 3,868 square feet (32.5% FAR) respectively. Each home contains four bedrooms and three and a half bathrooms. In addition to a kitchen and two-car garage, each home also has a family, living and dining room. A front porch is included on each home and the two larger homes also have a covered rear patio area.

Architecture: The proposed design has not been modified since the approved Design Review applications from 2007 which have since expired. Each one-story home incorporates high quality materials with similar contemporary architectural design. The use of painted stucco siding is consistent in each home. A stone finish is also utilized along the base of the homes and wraps around the front façade to each of the side elevations to varying length. Divided light windows are also utilized to add interest along the front façades and at various locations on other elevations.

Landscaping: There are several existing trees on the property. The applicant notes the intent to remove three “protected” trees that are either located within the footprint of the new homes or are in poor condition. Conditions of Approval require the certain size replacement trees to be planted. Appropriate tree
protection measures are required to preserve a “protected” size walnut tree on the property as well as a large oak tree that is situated nearby on an adjacent property.

Existing six to seven foot wood fences, located between existing neighboring properties, would be retained or repaired as needed. Within the subject development, six foot board-on-board fences would be constructed to between the properties.

**Parking/Circulation:** Each home maintains the required two covered (garage) and two uncovered spaces (driveway) as required by Sunnyvale Municipal Code.

**Variance**

The proposal meets all development standards with the exception of the total building height of 17 feet per Code standards for homes within a single-story combining district. The existing home does not meet this requirement as it reaches a peak of approximately 24’ 11’’. The applicant has provided justifications for the Variance in Attachment F. The provided justifications state that due the grade of the property; the homes would need to be built with a maximum height of 13 feet. This would require a flat roof design, and based on the architectural pattern of the neighborhood, such a design would not be compatible. Currently as proposed, a significant amount of soil would need to be removed (approximately 3,000 cubic yards), to lower the grade of the subject properties approximately one to two feet. To meet height requirements, an additional two to three of grading would need to occur. It would also necessitate extensive use of retaining walls because the site would be three to three and one-half feet lower than adjacent properties. The applicant further notes that extensive grading could endanger an oak tree on a neighboring property.

**Expected Impact on the Surroundings:** The new development will appear lower than the current appearance of the lot. As stated previously, the development would reduce the grade of the property by approximately one to two feet. If required to meet Code requirements for height in the single-story combining district, an additional two to three feet would need to be graded so that homes would not exceed 17 feet (from top of curb). As proposed, privacy issues are not expected due to the layout of the homes and one-story design. The homes are also built approximately one to three feet lower than neighboring properties. Compared to the existing home, the proposed homes are approximately 5.4 feet lower to the peak, as measured from the top of curb.
**Stormwater Management:** This project requires compliance with the Stormwater Management requirements for project sites that exceed 10,000 square feet. The applicant has been advised of the associated Stormwater Management Plan costs and the responsibilities for construction and long term maintenance and reporting and has provided a preliminary plan that indicates generally how they will comply. Staff finds the initial submittal for the project to be sufficient; however, the City of Sunnyvale requires Stormwater Management Plans to be certified by a qualified third party consultant prior to issuance of building permits (Condition of Approval #20C).

**Fiscal Impact**

**Transportation Impact Fee:** The project will result in a net increase in the trip generation at this site due to net new units. Traffic impact fees of approximately $4,098.36 are estimated for this project. The applicant would be required to pay the fee at the time building permits are issued for each new home.

**Park Dedication Fee:** This project is subject to Park Dedication Fees of approximately $28,749.60 due at the time of Final Parcel Map.

**Public Contact**

**Public Contact:** 63 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters have been received prior to the draft of this report.

<table>
<thead>
<tr>
<th>Notice of Negative Declaration and Public Hearing</th>
<th>Staff Report</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Published in the <em>Sun</em> newspaper</td>
<td>• Posted on the City of Sunnyvale's Website</td>
<td></td>
</tr>
<tr>
<td>• Posted on the site</td>
<td>• Provided at the Reference Section of the City of Sunnyvale's Public Library</td>
<td></td>
</tr>
<tr>
<td>• 63 notices mailed to the property owners and residents within 300 ft. of the project site</td>
<td>• Posted on the City's official notice bulletin board</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• City of Sunnyvale's Website</td>
<td></td>
</tr>
</tbody>
</table>
Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for Design Review and Variance. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Variances and Design Reviews with the recommended Conditions of Approval located in Attachment A.

2. Approve the Variances and Design Reviews with modified Conditions of Approval located in Attachment A.

3. Deny the Variances and Design Reviews.

Recommendation

Alternative 1.

Reviewed by:

Steve Lynch
Senior Planner

Prepared By:  Ryan M. Kuchenig

Attachments:

A. Findings
B. Standard Requirements and Recommended Conditions of Approval
C. Project Data Table
D. Site and Architectural Plans
E. Architectural Renderings
F. Variance Justifications Provided by the Applicant
Recommended Findings – Design Review

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

<table>
<thead>
<tr>
<th>Basic Design Principle</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</strong></td>
<td>The orientation of the homes is consistent with other homes in the neighborhood.</td>
</tr>
<tr>
<td><strong>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</strong></td>
<td>Although larger than many of the neighboring homes, the proposed homes are one-story and match the architectural character of the neighborhood.</td>
</tr>
<tr>
<td><strong>2.2.3 Design homes to respect their immediate neighbors</strong></td>
<td>The homes meet or exceed setback requirements and does not cause any privacy impacts to surrounding properties.</td>
</tr>
<tr>
<td><strong>2.2.4 Minimize the visual impacts of parking.</strong></td>
<td>The parking layout is consistent with the layout of other homes in the neighborhood.</td>
</tr>
<tr>
<td><strong>2.2.5 Respect the predominant materials and character of front yard landscaping.</strong></td>
<td>The design of the homes and front yard landscaping is similar to the surrounding neighborhood.</td>
</tr>
<tr>
<td><strong>2.2.6 Use high quality materials and craftsmanship</strong></td>
<td>The proposed new home utilizes high quality materials including stucco and stone detailing</td>
</tr>
<tr>
<td><strong>2.2.7 Preserve mature landscaping</strong></td>
<td>Certain trees will be protected while Conditions of Approval require replacement of others.</td>
</tr>
</tbody>
</table>
**Recommended Findings - 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 of privileges enjoyed by other properties in the vicinity and within the same zoning district, **and**

   The subject site maintains a grade differential of approximately four feet above the top of the public curb. This would require that the homes either be designed to reach a peak of approximately 13 feet which would create an incompatible design with respect to the neighborhood, or necessitate the removal of a significant amount of soil from the site. As a result of this second alternative to meet Code, the lower grade of the property would require considerable amount retention walls to be built due to the change in grade from neighboring properties. Strict application of the Zoning Code would result in a development that would visually be incompatible with the surrounding neighborhood.

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, **and**

   Granting of the Variance will not be materially detrimental to the neighborhood as the one-story homes would be able to be designed architecturally similar to the surrounding area. The height of the proposed homes will be lower than the two attached homes that are currently constructed on the lot. If required to be meet code requirements, further disturbance could occur due to the considerable grading that would need to occur. Furthermore, an existing oak tree on a neighboring property could be impacted to a greater degree.

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 requested variance will not result in special privileges for the applicant as the proposed homes maintain a one-story appearance, as required, and similar in scale to the rest of the neighborhood.
ATTACHMENT B

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS
JUNE 28, 2010

Planning Application 2010-7291 574 Bobolink Circle
Design Review and Variance

Design Review for three one-story single-family homes. Two homes exceed 3,600 square feet which require Planning Commission review.

Variance from Sunnyvale Municipal Code Section 19.26.200(f)(1) to allow 19’6” height where 17’ is allowed in the single story combining district for each home.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

THE FOLLOWING GENERAL CONDITIONS SHALL APPLY TO THE APPROVED PROJECT.

1. CONFORMANCE WITH APPROVED PLANNING APPLICATION – All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

2. PERMIT EXPIRATION (Ordinance 2895-09): The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is
not exercised within this time frame, the permit is null and void. [SDR] (PLANNING)

3. TITLE 25 - Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

4. CONFORMANCE WITH PREVIOUS PLANNING PERMIT – The subject site shall comply with all conditions of approval and requirements of planning application 2006-1111. [PLANNING] [COA]

5. STORMWATER MANAGEMENT PLAN - Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed “Stormwater Management Plan Data Form”, and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. [SDR] [PLANNING]

**THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.**

6. EXTERIOR MATERIALS REVIEW - Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

**THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

7. CONDITIONS OF APPROVAL – Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

8. RESPONSE TO CONDITIONS OF APPROVAL – A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

9. BLUEPRINT FOR A CLEAN BAY – The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

10. FEES AND BONDS – The following fees and bonds shall be paid in full prior to issuance of building permit.
    a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at $4,098.36, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]
b) PARK IN-LIEU - Pay Park In-lieu fees estimated at approximately $28,749.60, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR] [PLANNING]

11. TREE PROTECTION PLAN - Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

a) An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).

b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.

c) Provide fencing around the drip line of the trees that are to be saved including the protected size walnut tree on-site and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

d) Ensure that adequate tree protection measures are also provided to the large oak tree located on the adjacent property.

e) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

12. STORMWATER MANAGEMENT CALCULATIONS - Submit two copies of the City of Sunnyvale Impervious Surface Calculation worksheet prior to issuance of a Building Permit. [COA] [PLANNING]

13. BEST MANAGEMENT PRACTICES - The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

a) Storm drain stenciling. The stencil is available from the City’s Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.

b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.

c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.

d) Covered trash, food waste, and compactor enclosures.
e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency’s authority and standards:

i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.

ii) Dumpster drips from covered trash and food compactor enclosures.

iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.

iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.

v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

14. CITY STREET TREES (SUBDIVISION) - At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit. [SDR] [PLANNING/PUBLIC WORKS]

**THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

15. LANDSCAPING AND IRRIGATION – All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
PROJECT DATA TABLE

<table>
<thead>
<tr>
<th>General Plan</th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>REQUIRED/ PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Low</td>
<td>Same</td>
<td>Residential Low Density</td>
<td>Same</td>
</tr>
<tr>
<td>Lot Size (s.f.)</td>
<td>29,573</td>
<td>8,762 – 11,968</td>
<td>6,000 min.</td>
</tr>
<tr>
<td>No. of Units</td>
<td>2</td>
<td>3 (1 per lot)</td>
<td>1 max. (per lot)</td>
</tr>
<tr>
<td>Gross Floor Area</td>
<td>4,384</td>
<td>3,382 – 3,845</td>
<td>No max. (3,600)</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>15%</td>
<td>32.5% - 43.5%</td>
<td>45% max.</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>15%</td>
<td>32.5% - 43.5%</td>
<td>45% max.</td>
</tr>
<tr>
<td>R-O/S</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
</tr>
<tr>
<td>Building Height</td>
<td>24’11”</td>
<td>19’6”</td>
<td>17’ max.</td>
</tr>
<tr>
<td>No. of Stories</td>
<td>1</td>
<td>1</td>
<td>1 max.</td>
</tr>
<tr>
<td>Setbacks (for each parcel)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>35’</td>
<td>20’ – 24’</td>
<td>min.</td>
</tr>
<tr>
<td>Left Side</td>
<td>74’</td>
<td>4’ – 8’</td>
<td>min.</td>
</tr>
<tr>
<td>Right Side</td>
<td>23’</td>
<td>4’ – 10’</td>
<td>min.</td>
</tr>
<tr>
<td>Rear</td>
<td>45’</td>
<td>20’ – 25’</td>
<td>20’ min.</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Spaces</td>
<td>4</td>
<td>4 (per lot)</td>
<td>4 min. (per lot)</td>
</tr>
<tr>
<td>Covered Spaces</td>
<td>2</td>
<td>2 (per lot)</td>
<td>2 min. (per lot)</td>
</tr>
</tbody>
</table>

*Starred items indicate deviations from Sunnyvale Municipal Code requirements.*
FLOW-THROUGH PLANTER BOX

FOUNDATION AND DROPPED JOIST TYPICAL DETAIL

EXISTING ONE STORY TYPICAL SECTION HIGH LIMIT
(TO BE DEMOLISHED. FOR INFO. ONLY)

EXISTING HOUSE VS. PROPOSED HOUSE HEIGHT COMPARISON
(CONCEPTUAL CROSS SECTION) VERTICAL SCALE: 1"=10'
1. The extraordinary in this case is the topography of the site. The drainage for this block is designed so the street on the corner of Bobolink Circle and Bobwhite Avenue is the lowest point. The topography of the lots however was designed at the same level as this property. At the highest point, this lot is about 4 feet higher than the curb.

The existing code sets the maximum height for the building on this site at 17 feet measured from the top of the curb. In order to comply with this requirement, the proposed houses must be 13 feet from the adjacent grade. The only available design for a 13 foot high building is a flat roof. This design is not compatible with the surrounding ranch style homes.

The alternative is to lower the grade for this property. This alternative will result in removal of significant amount of soil (approximately 3,000 cubic yards) from the site. It also will require extensive use of the retaining walls because this site will be 3 to 3.5 feet lower than the adjacent lots.

2. Granting of this variance will not be materially detrimental to the public welfare or injurious to the adjacent properties. On the contrary, it actually will be beneficial to the public welfare. The heights of the proposed buildings have been kept at the lowest level possible. In order to meet the height requirement, the site will have to be graded down about 4 feet, which will require removal of substantial amount of soil from the site. It is estimated that the grading will generate 200 truck loads (large end trucks' capacity is 15-18 yards, 18 wheeled trucks' capacity is 10-12 yards) and it will take seven to ten days to remove the excess soil. The alternative grading will generate significant traffic in the area during this time. In addition, if lowered, this site will be aesthetically different from the neighboring lots because it will be substantially lower than the adjacent lots. Finally, the excessive grading will impact an existing oak tree on the adjacent property.

3. The granting of this variance still serves the intent of the current ordinance. The zoning for this site consists of a one story overlay. The intent of this overlay-zoning district was to prevent two story homes in the area and to provide privacy for the neighbors. The proposed homes are one story high and do not overlook into the neighbors yard.