Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made in that the site's significantly sloped topography limits development potential relative to less constrained parcels, and without such conditions, the proposed structure would comply with applicable height standards. Further, the Variance to increase the maximum height from 28 feet to approximately 30 feet 11 inches is not expected to result in a structure with excessive bulk and mass and would not result in a structure that is out of character with the prevailing pattern of development in the neighborhood.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made in that the proposed Variance to height will allow for one single-family dwelling to be constructed on a parcel located in the single-family residential zone district that is constrained by sloping terrain. The proposed structure meets the required floor area ratio, lot coverage and setback requirements except for the southern side yard setback which is an existing legal nonconforming condition and the proposed Variance is a warranted response to the unique characteristics of the site. Therefore, the proposed dwelling will not be materially detrimental to public health, safety, or welfare, or injurious to property or improvements in the vicinity. The existing residential use of the site aligns with the intent and purpose of zone district and general plan designation.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made in that other nearby properties with comparable conditions have also received Variances to height, including parcels at 227 Spreckels Drive and the adjacent parcel to the south of that property. Therefore, the approval of a Variance Permit to increase the maximum height from 28 feet to 30 feet 11 inches is not a grant of special privilege.

EXHIBIT B