



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 17-0140, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2016-7645

Location: 219 Jackson Street (APN: 204-44-007)

Applicant / Owner: Jacob A Headley (applicant) / Debbi R and Jacob A Headley (owner)

Proposed Project: **USE PERMIT** to allow a 15-foot tall, 62 square feet playhouse in the rear yard of a single-family residence. The total area of all the accessory structures on the property including the detached garage and playhouse is 462 square feet with 30.5 percent rear yard encroachment.

Reason for Permit: A Use Permit is required to allow areas of all accessory structures to exceed 450 square feet and exceed 25 percent encroachment of the required rear yard.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Neighborhood compatibility and impacts

Recommendation: Approve with conditions

PROJECT DESCRIPTION

The applicant proposes an enclosed playhouse in the rear yard of an existing home, adjacent to an existing detached two-car garage. A detached enclosed playhouse is defined as a utility building, per Sunnyvale Municipal Code (SMC) 19.12.020.

The resulting area of the combined accessory structure and garage would be 462 square feet and 30.5 percent encroachment of the required rear yard. A Use Permit is required for accessory structures greater than 450 square feet area and exceeding the rear yard coverage, per SMC Section 19.40.020.

See Attachment 1 for a map of the vicinity and mailing area for notices, and Attachment 2 for the Project Data Table.

Previous Planning Projects related to Subject Application:	No
Neighborhood Preservation Complaint #2016-2553 for constructing playhouse without permit.	Yes
Deviations from Standard Zoning Requirements <i>The playhouse results in 30.5 percent encroachment into the required rear yard where 25 percent is the maximum permissible per Sunnyvale Municipal Code 19.48.050.</i>	Yes

Background

The subject property is located adjacent to Murphy Park within a neighborhood of single-family homes built from the 1940s to 1950s. The existing one-story home is 1,490 square feet in size, which includes a 400-square foot detached garage.

The proposal is to add a new 62 square feet utility building adjacent to the existing garage in the rear yard that results in a total lot coverage of 28 percent. An existing 400 square foot detached two-car garage is located between the main residence and rear property line at 3'-6" setback from the rear and 4'-2" feet setback from the left side.

The proposed structure would have a 17'-6" setback from the rear property line and 4-foot setback from the side property line. The proposed structure combined with the existing garage will result in 30.5 percent encroachment of the required rear yard, where 25 percent is the maximum allowed, per the SMC Section 19.48.050. SMC Section 19.40.020(d), requires a Use Permit to consider approval of accessory structures that exceed the allowable rear yard coverage.

Use

The playhouse structure was constructed without permits. The applicant is now proposing to legalize the structure with a Use Permit. The structure is designed as a raised enclosed playhouse with other play equipment and is built approximately 8 feet above ground. The structure has no electricity or plumbing.

Site Layout

The subject property is bordered by the Murphy Park on rear and left side and shares the right-side property line with a one-story single family residence at 227 Jackson Street. The Sunnyvale Lawn Bowling Club field, which is operated by Sunnyvale Senior Center within the Sunnyvale City Department of Parks and Recreation, is located behind the property.

The proposed 62-square foot playhouse structure is located 17'-6" from the rear property line and four feet from the right-side property line. An existing 400 square foot detached garage is located at the left-hand corner of the rear yard at 3'-6" setback from the rear property line.

The aerial image shows two temporary structures in the rear yard. The applicant has clarified that the structures are temporary and used for special events. SMC defines temporary utility tents as the structures built with lightweight poles, typically plastic or aluminum, that are covered with a tarp or other similar temporary materials. They may be freestanding or embedded into the ground. Temporary utility tents include car tents, vehicle awnings, and other similar types of covers and are intended to cover vehicles or other types of storage. Temporary utility tents may not be installed for longer than ninety days in a one-year period and should meet the setback requirements.

Architecture and Design

The existing single-story house was constructed in 1940 and consists of stucco façade material with brick accents. The proposed structure is designed as a raised enclosed playhouse with open play structure. A raised deck is proposed towards the rear side of the structure facing the Murphy Park. Exterior materials of the utility building primarily consist of redwood siding and an asphalt roof. The structure utilizes high-quality material and design that complements the style of the main residence and the residential character of the neighborhood.

Neighborhood Impacts and Compatibility

The neighborhood predominately contains one-story single family residences. The home is adjacent to one-story homes on the right side and Murphy Park along the rear and left side. The proposed

utility building will meet the setback requirements and is proposed to be located 33 feet from the main residence.

The proposed structure is not expected to have a detrimental privacy impacts to the surrounding properties, as the design will be located away from adjacent habitable areas. The closest portion of the neighboring property towards the right side is a non-habitable detached garage. The structure will not be visible from the Jackson Street, thus resulting in no adverse consequence to the streetscape.

Play activity may create noise audible to the surrounding properties, though such noise should not exceed the levels normally experienced within a single-family neighborhood. The site is subject to the City's Noise Ordinance.

See Attachment 5 for letter by the applicant and Attachment 6 for letters from the neighbors in support of the utility building.

Development standards

The proposed project complies with the applicable development standards as set forth in the SMC such as the setbacks and lot coverage. However, an existing non-conforming detached garage is located within the required rear yard setback and encroaches 28 percent into the required rear yard, where 25 percent is the maximum allowed. Several other sites in the neighborhood and the same zoning district have similar structures that are considered non-conforming.

The play structure is proposed at a 17'-6" setback from the rear property line and encroaches an additional 2.5 percent of the required rear yard, resulting in 30.5 percent encroachment of the required rear yard, which necessitates the Use Permit. The location of the proposed utility building allows desirable usable open space between the proposed structure and the main house.

Public Contact

141 notices were sent to surrounding property owners and residents within 300 feet of the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. At the time of preparing this staff report, staff has received five letters from the neighboring properties in support of the utility building.

See Attachment 1 for vicinity and noticing map and Attachment 6 for letters from the neighbors in support of the utility building.

Environmental Determination

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA). Class 3 Categorical Exemptions includes construction of new accessory structures (CEQA Section 15303 (e)).

FINDINGS

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.*

General Plan Policy LT 4.1: Protect the integrity of the City's neighborhoods, whether residential, industrial, or commercial.

General Plan Policy LT 4.4: Preserve and enhance the high-quality character of residential neighborhoods.

A non-habitable utility building in the rear yard, with recommended Conditions of Approval, is not likely to negatively impact surrounding properties. The proposed playhouse has been designed to be compatible with the residential character of the neighborhood. Staff finds that the project also allows the applicant to make better use of the rear yard and the proposed use is also consistent with a residential neighborhood.

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 presence of utility building within the home's rear yard will not have an adverse impact to the streetscape. Considering that the playhouse faces the Murphy Park and is located away from the habitable areas on the adjacent property, it is unlikely to have negative impact on surrounding homes. The structure will be constructed of high-quality materials and allows a use consistent with a residential neighborhood.

ALTERNATIVES

1. Approve the Use Permit with recommended Conditions in Attachment 2.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment 2.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Standard Requirements & Recommended Conditions of Approval
4. Site and Architectural Plans
5. Letter by the applicant
6. Letters of support from neighbors