



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 31, 2008

SUBJECT: **2008-0131:** Application located at **1110 Breezewood Ct.** (at Palamos Avenue) in an R-0 (Low Density Residential) Zoning District.

Motion Variance to allow a 25' tall accessory utility building (free-standing aerial rope apparatus) in the rear yard of a single-family residence.

REPORT IN BRIEF

Existing Site Conditions Single-story single-family home and two storage sheds

Surrounding Land Uses

North Single-story single-family home

South Single-story single-family home

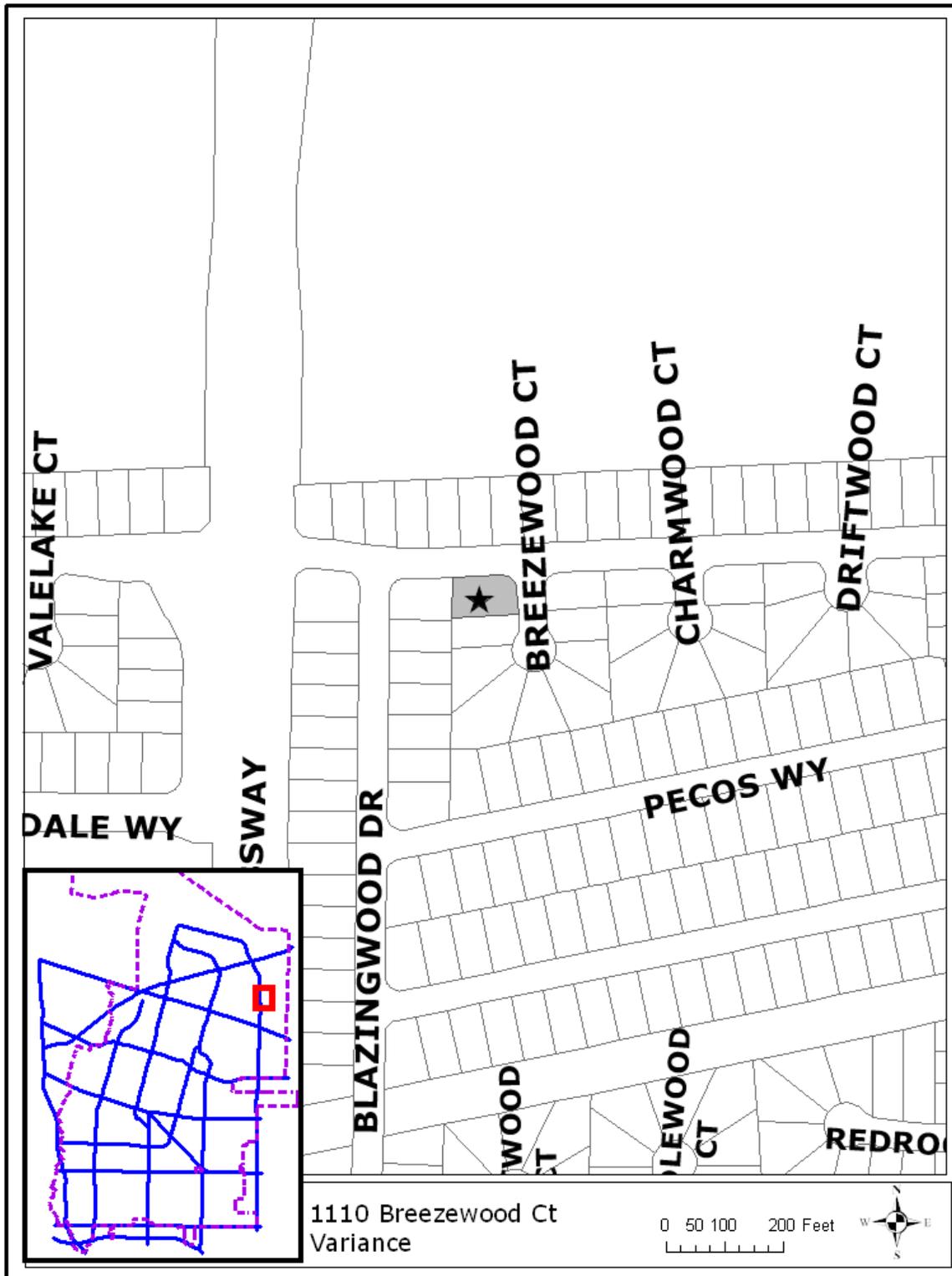
East Single-story single-family home

West Single-story single-family home

Issues Visual impact

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	6,360	Same	6,000 min.
Total Gross Floor Area (s.f.)	1,580.5	Same	2,862 max.
	<i>Home: 1,468 Shed I: 80 Shed II 32.5</i>	Same	
Lot Coverage (%)	24.9	Same	45% max.
No. of Buildings On-Site	3	4	--
★ Building Height	12'	Proposed Structure: 25'	30' max.
No. of Stories	1	Same	2 max.
Setbacks (Facing Property)			
Front	21'	Same	20' min.
Left Side	12'	Proposed Structure: 25'	6' min. (12' total)
Right Side	25'	Proposed Structure: 17'	6' min. (12' total)
Rear	20'	Proposed Structure: 10'	10' for accessory utility building unless granted discretionary approval
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The applicant is proposing to construct a 25 foot tall freestanding aerial rope apparatus in the rear yard at 1110 Breezewood Ct. The structure is considered an “accessory utility building” under the Sunnyvale Municipal Code (SMC). The structure does not contain floor area and meets setback and lot coverage requirements. However, a Variance is required because SMC prohibits accessory utility buildings 120 square feet or less to exceed 15 feet in height.

Background

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

File Number	Brief Description	Hearing/Decision	Date
1982-0423 (Old File #4765)	6' tall fence in the required front yard	Staff/Approved	07/29/1982

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor alterations or additions to existing homes.

Variance

Use: The applicant is requesting to construct the 25 foot freestanding rope apparatus to be able to practice at home and advance a career in aerial rope acrobatics (see applicant’s justifications letter in Attachment D). The apparatus would consist of aluminum/steel bars approximately 2 ¾ inches in diameter with double pulley safety lines and pulley system for height adjustment. A rope up to 1½ inch in diameter would be attached to the top bar of the apparatus. (See attached drawing and photo in Attachment C.) The structure needs to be a sufficient height in order for the artist to climb the rope with various methods; and, after making any number of wrapping and knotting combinations, execute dramatic falls. There would be a mat placed on the ground for safety.

Site Layout: The site is a corner property that is bound by Palamos Ave. to the north and Breezewood Ct. to the east. It is adjacent to single-story single-family homes. The current home on the property is positioned 21 feet from the front property line and 20 feet from the rear. There are two existing older sheds in the rear yard. The proposed structure would be located three and a half feet directly behind the home and 10 feet from the existing 5 foot 8 inch fence

(measured from grade) along the rear property line. There is existing vegetation along the perimeter and a large tree located to the north of the property, which may partially screen the structure from adjacent neighbors and the public right-of-way.

Architecture: The existing home is single-story with wood siding and composition shingle roof. The home is approximately 12 feet tall, measured from the top of the nearest curb. The proposed structure would consist of rope and aluminum/steel bars 2 ¾ inches in diameter, and would be 25 feet tall.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Techniques	Comments
3.10 <i>Relate the design of accessory structures to those of the main structure.</i>	The proposed structure is not one that would be typically found on a residential property. The structure would be more than twice the height of the existing home. Staff finds that the proposed structure does not meet the <i>Single Family Home Design Techniques</i> .

Landscaping: The property meets all landscaping requirements. No trees are proposed to be removed as part of this application.

Compliance with Development Standards/Guidelines: The proposed structure meets setback and lot coverage requirements, but does not meet the maximum height allowed for accessory utility buildings, or the *Single-Family Home Design Techniques*. The property meets the minimum lot size and width required for the R-0 Zoning District and is not unique to the surrounding neighborhood.

Expected Impact on the Surroundings: Because of its height, staff believes that the proposed structure and its use would have a strong negative visual impact to the surrounding properties and the public right-of-way. Most of the homes in the neighborhood are single-story, and the subject site is bound by two public streets.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff has not received any public contact regarding this project. However, the applicant has taken an effort to speak with every neighbor that will be most impacted by the structure. The applicant has obtained signatures for a petition in support of the project, which would be brought forth at the public hearing.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 12 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Discussion: The following is staff's discussion of the required findings:

1. The first required finding for approving a Variance is that the property or use involves a unique or exceptional circumstance. There is nothing unusual or exceptional about the subject property. The property meets all minimum lot size and width requirements for the R-0 Zoning District. Staff believes that the use may not be appropriate in a residential neighborhood and an alternative location for the applicant to practice the art exists. Staff was unable to make the first finding.
2. The second required finding is that the granting of a Variance will not be detrimental to adjoining properties and uses. Although the proposed structure would be made of minimal materials, its height and its use would still have a strong negative visual impact to surrounding properties and the public street. Staff was unable to make the second finding.
3. The third required finding for a Variance is that granting a Variance meets the intent of the zoning ordinance and does not grant special privileges to the proposed use or site. Staff finds that approval of the variance would grant special privileges not enjoyed by other surrounding property owners within the same zoning district, and would allow a structure that is not compatible with the intent of the zoning ordinance to maintain a certain residential character in the neighborhood. Staff was therefore unable to make the third finding.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

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

Alternatives

1. Deny the Variance.
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Alternative 1

Prepared by:

Rosemarie Zulueta

Project Planner

Reviewed by:

Gerri Caruso

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans and Photos
- D. Letter from the Applicant

Recommended Findings - 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. *(Finding not met.)*

The property meets the minimum requirements for lots in the R-O Zoning District, and is typical of what is found in the surrounding neighborhood. There are no exceptional or extraordinary circumstances or conditions applicable to the property. The established development standards seek to maintain a certain residential character for the R-O Zoning District, and staff finds that the proposed structure and its use is not compatible with the residential use of the property.

The applicant does not need the structure to enjoy the same reasonable use and economic benefit of the property that is shared by others in the same zoning district.

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. *(Finding not met.)*

Staff finds that the proposed structure would have a strong negative visual impact to the surrounding single-family residential neighborhood, where most homes are predominantly single-story. The structure is taller than any structure that would be within its immediate vicinity and would only be partially screened by the fence and existing landscaping.

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. *(Finding not met.)*

The granting of the variance will be unique to the property. No variance has been granted from the maximum allowable height for accessory utility buildings in the City, and approval of the variance may set a precedent in the neighborhood.

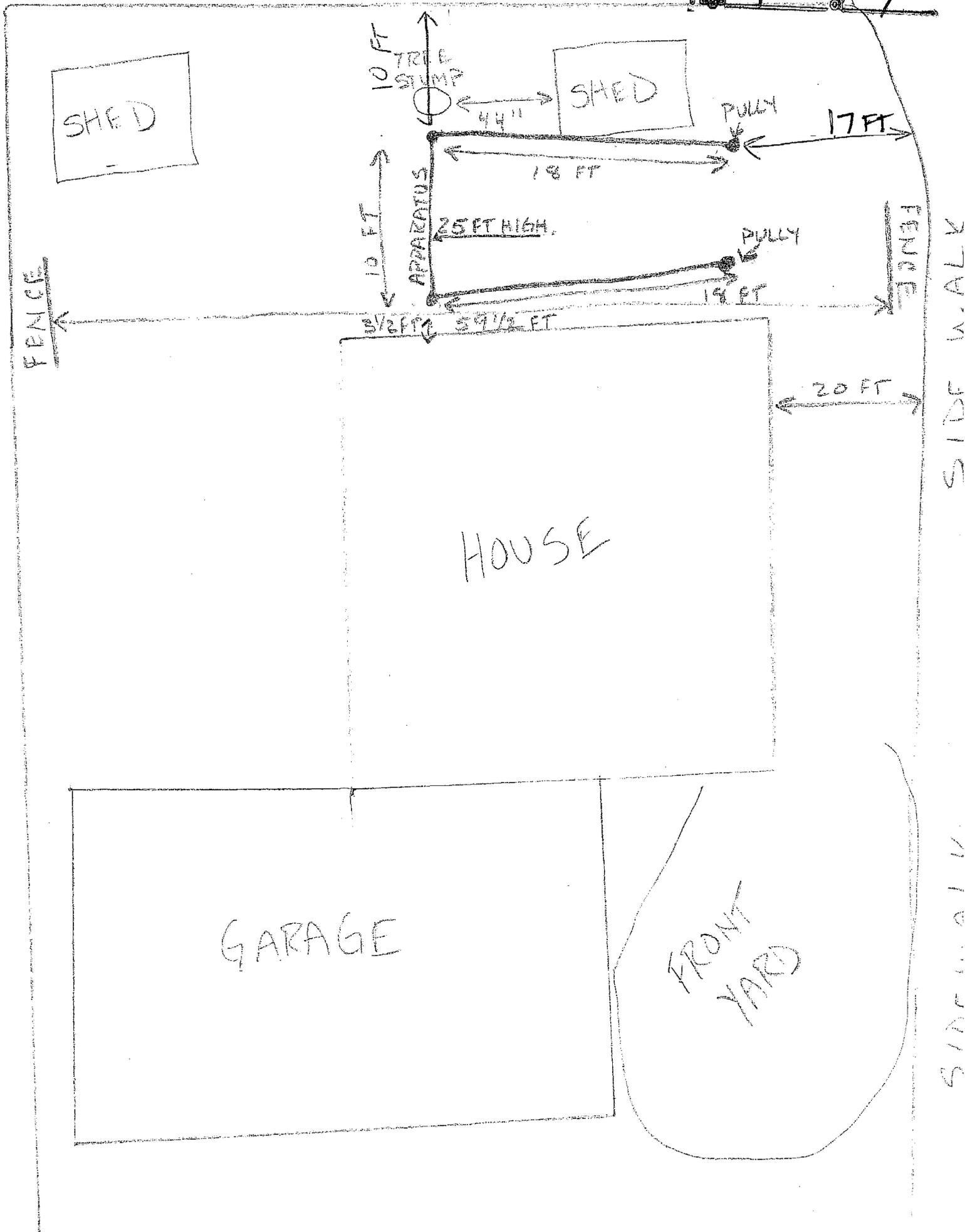
Recommended Conditions of Approval - Variance

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 of this Permit:

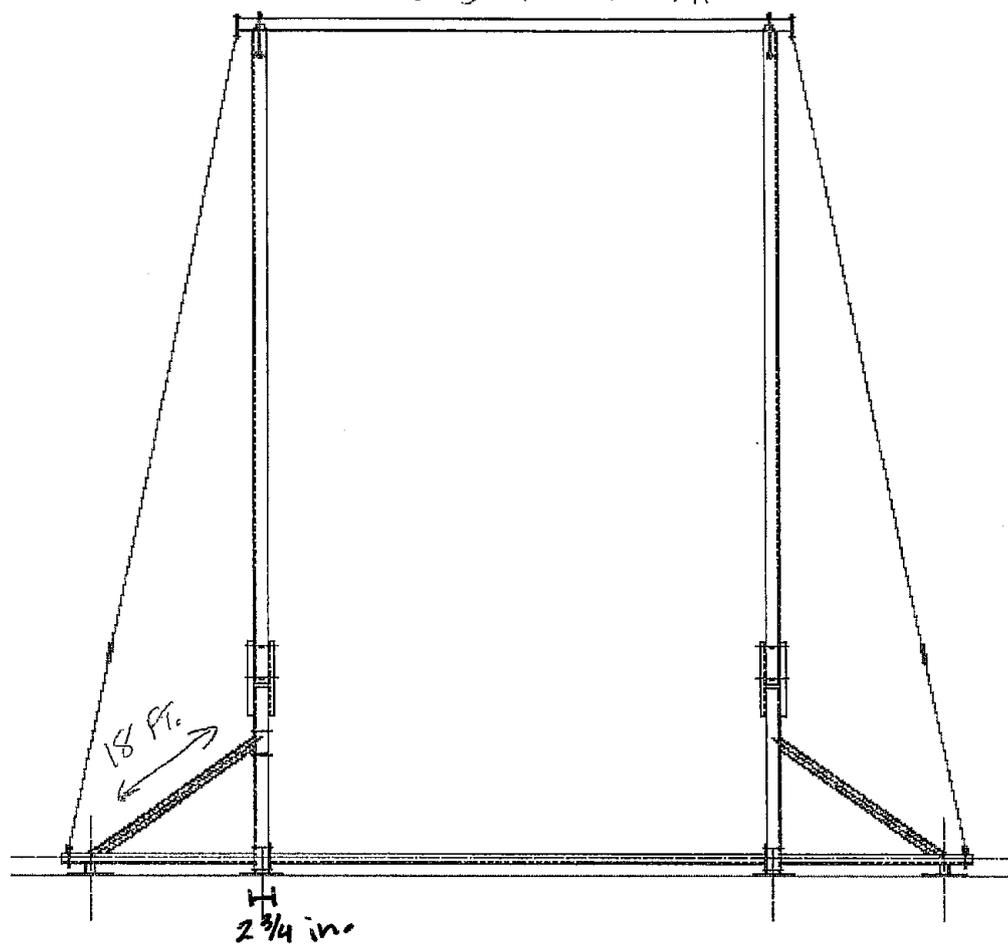
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. The Variance has been approved for a 25 foot freestanding aerial rope apparatus only. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the project.
- E. The use of the structure shall not cause a public nuisance to neighboring properties.

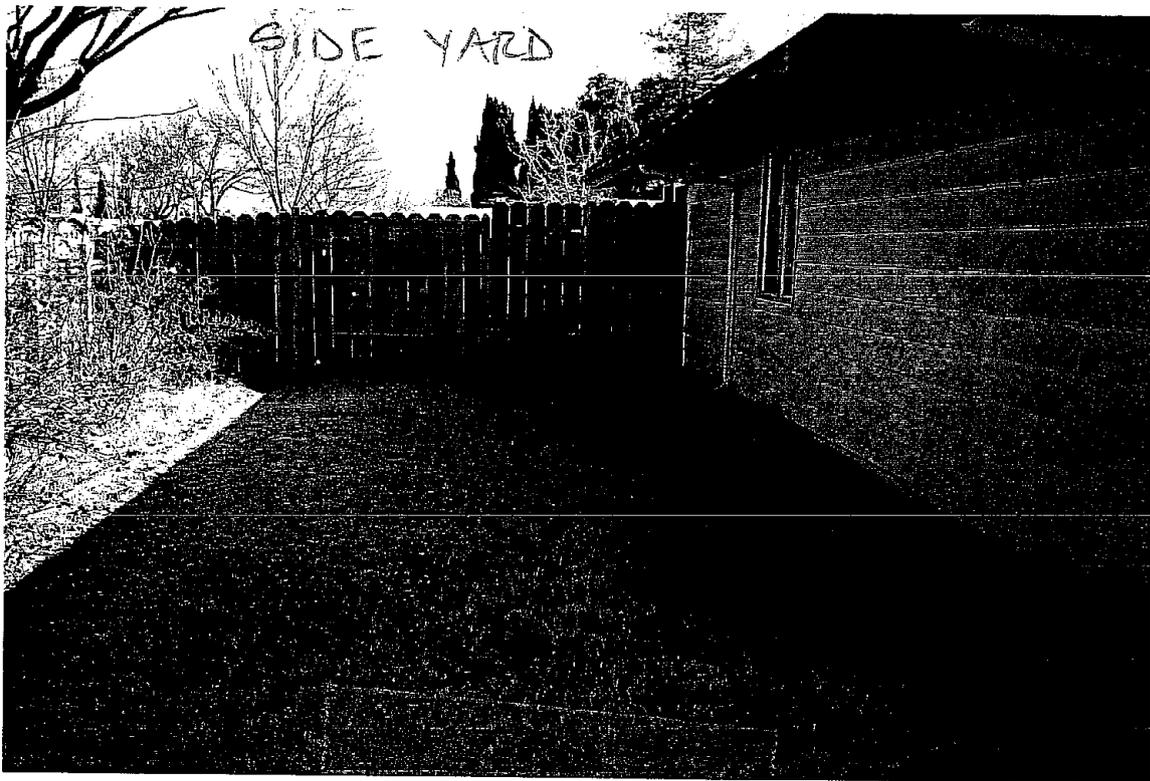
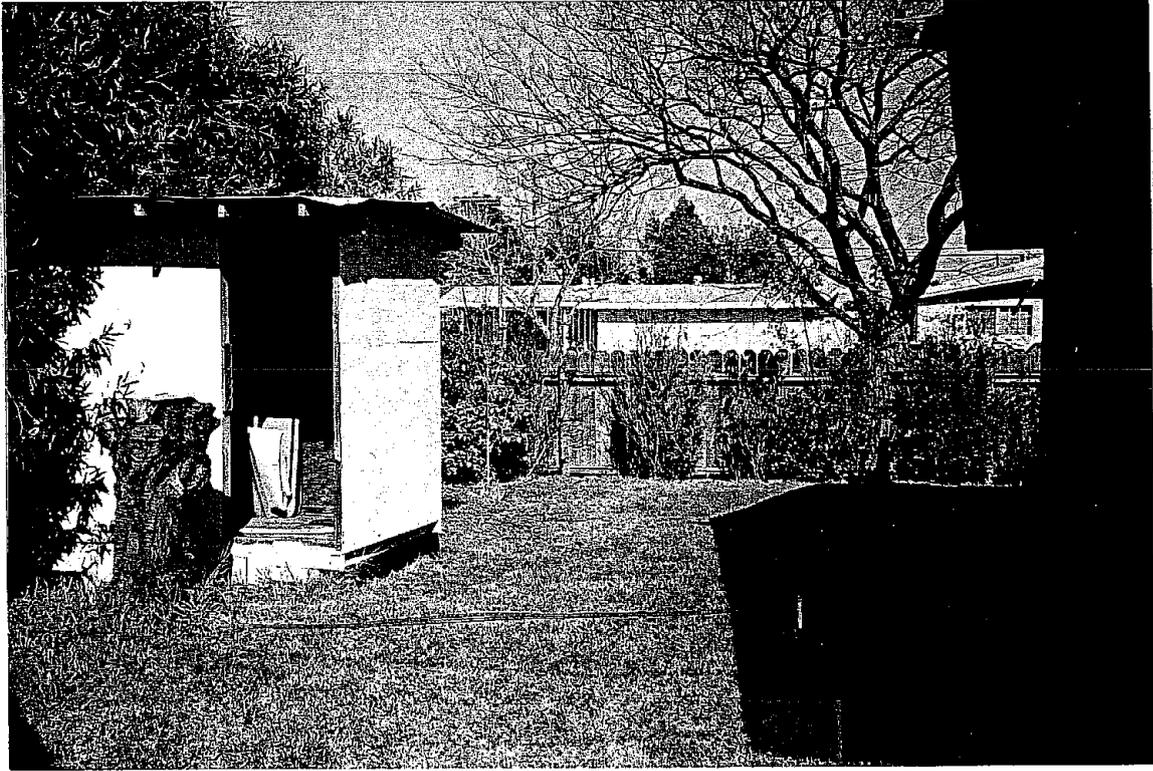


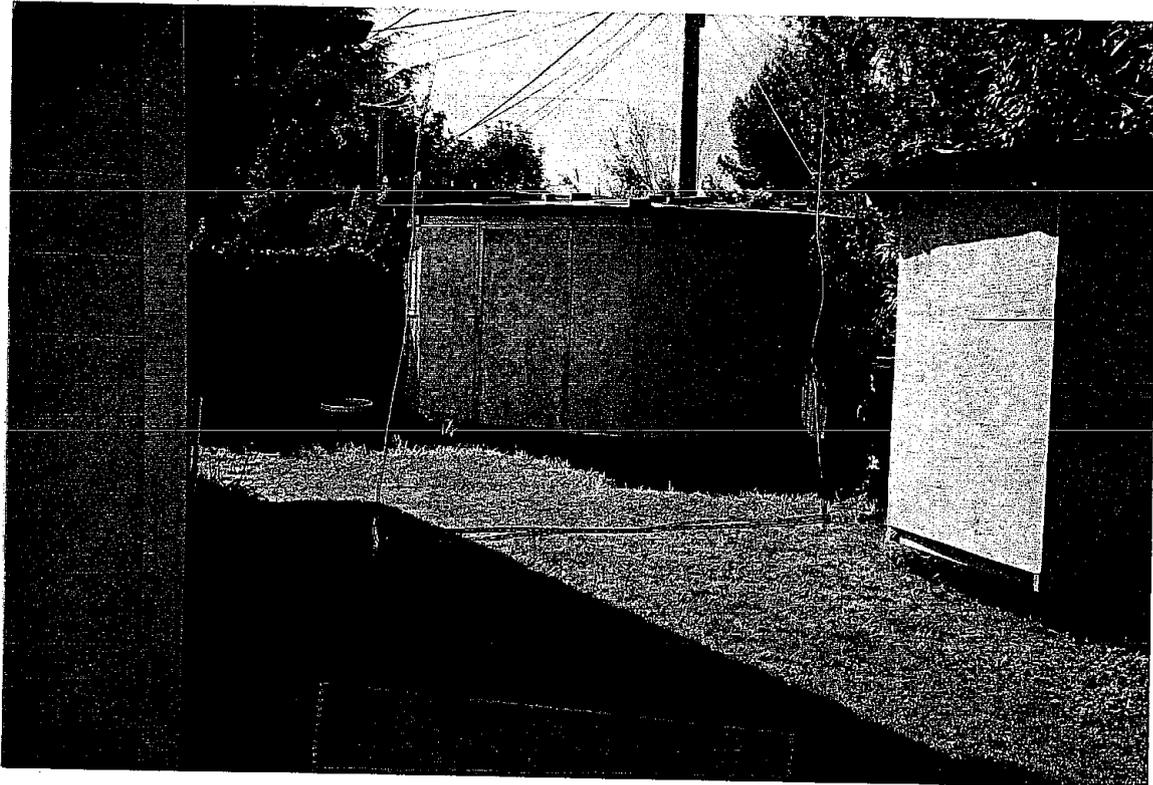
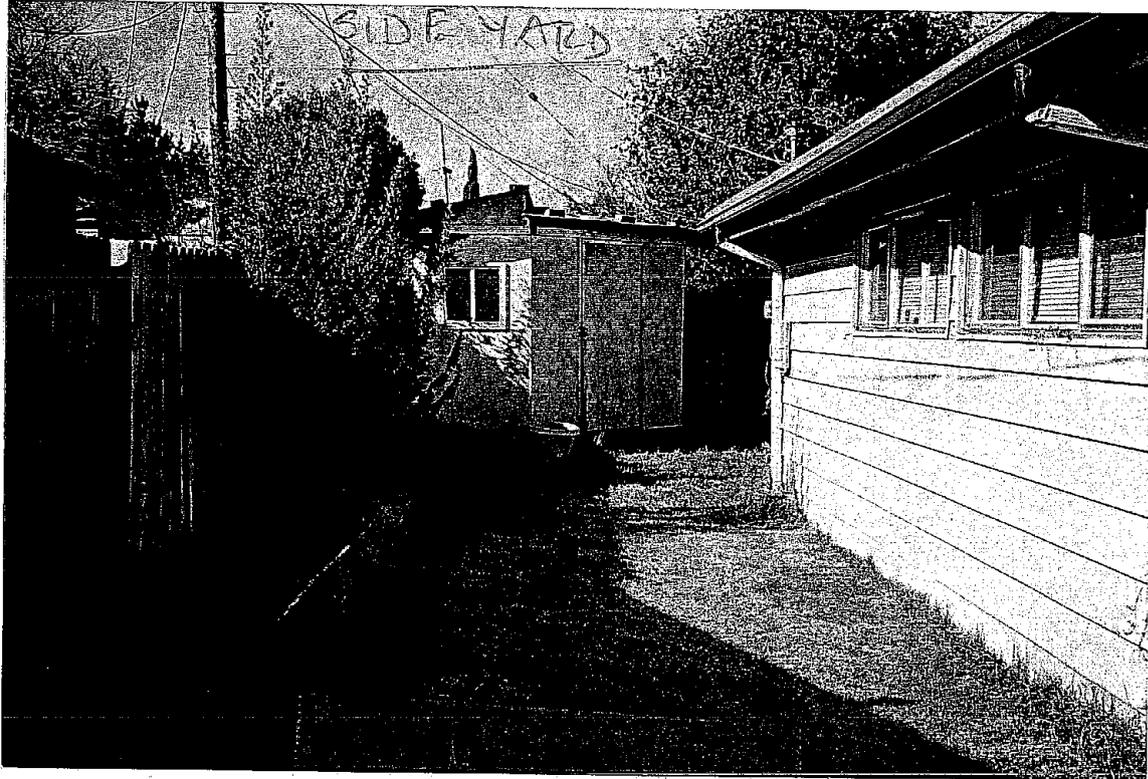
25 FT HIGH



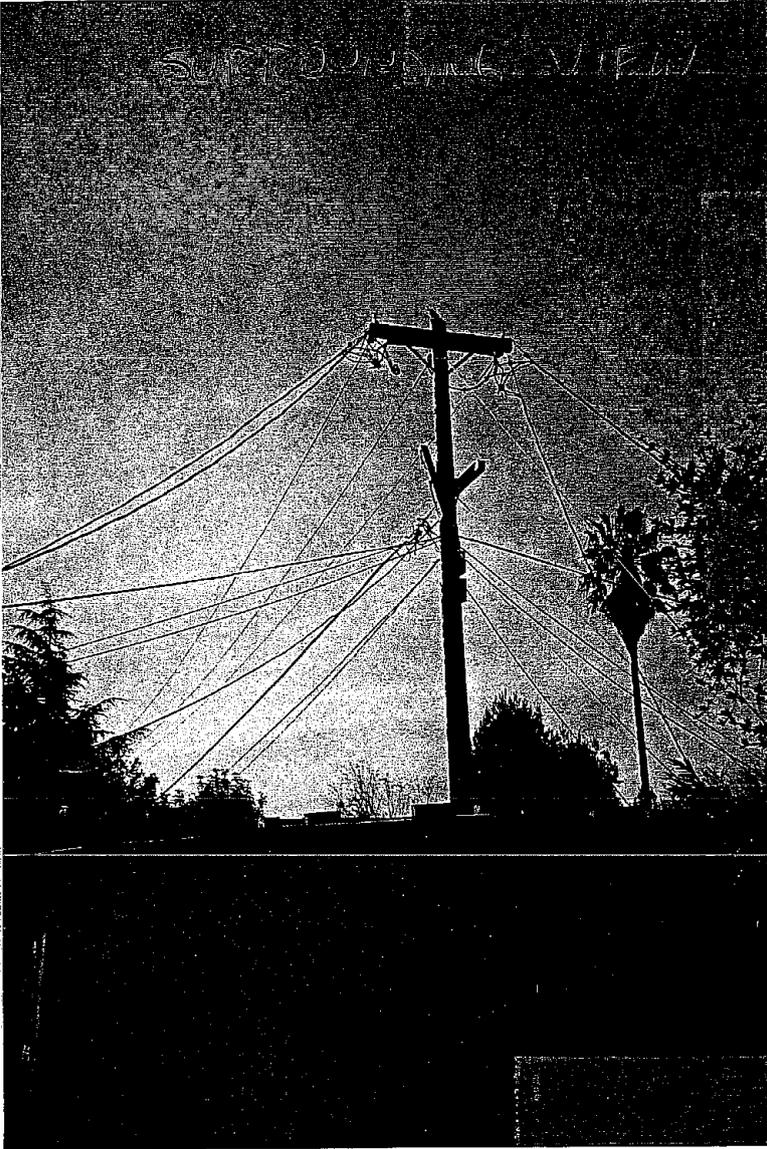
FRONT ELEVATION





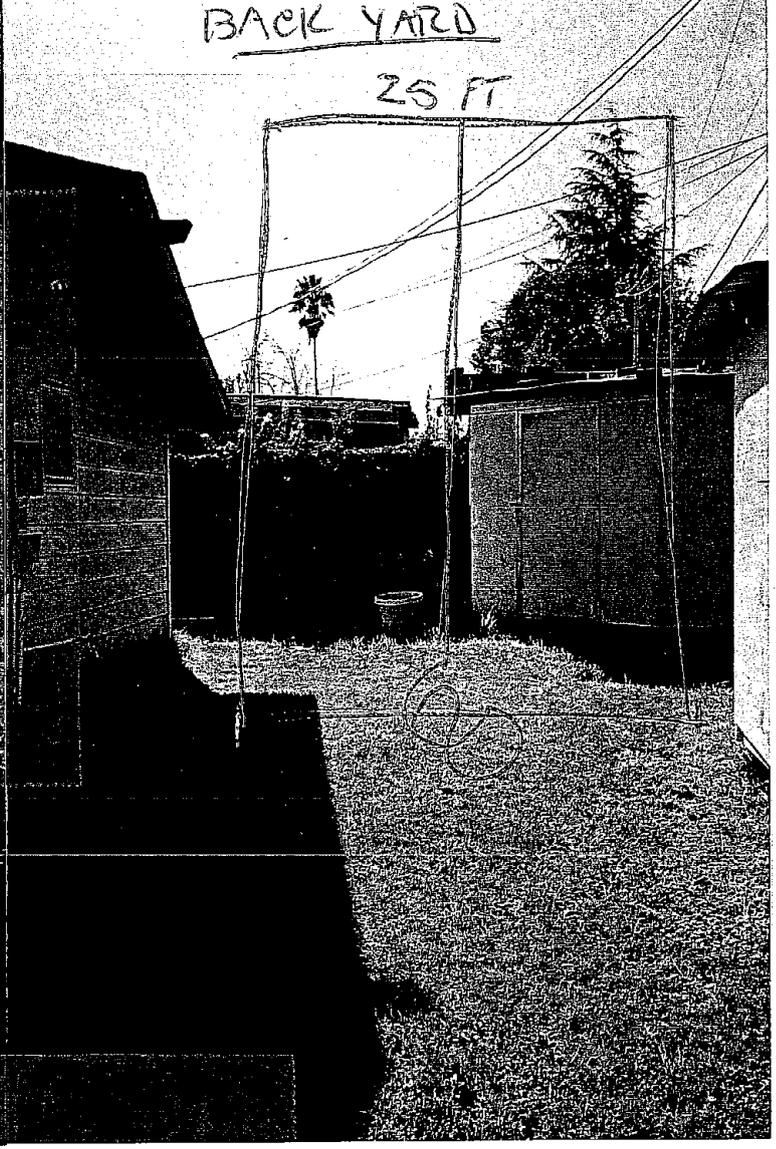


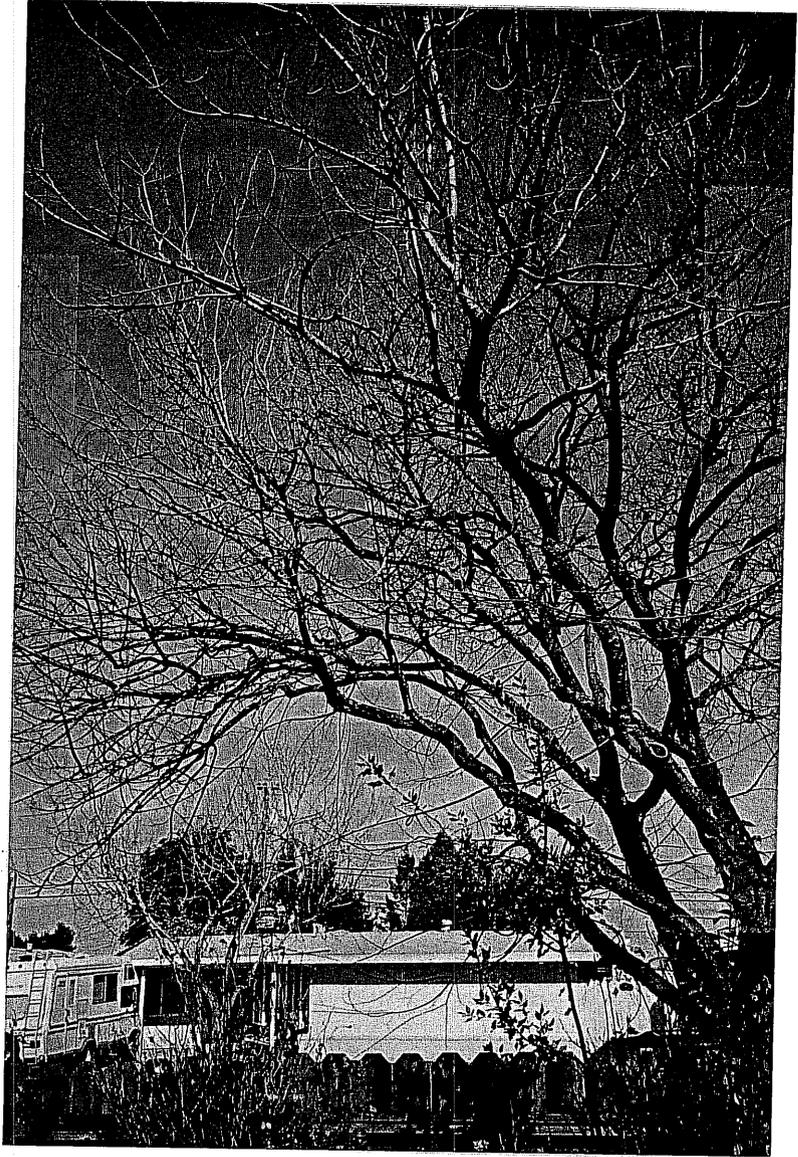
SURROUNDING VIEW



BACK YARD

25 FT





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Answers to Variance Justifications Sheet

- 1) I am asking that you grant me this variance because it will make it possible for me to practice my aerial rope acrobatics during the week. I am taking advanced rope skills, body contortion and extreme conditioning at the Circus Center in San Francisco on Mondays and Fridays. It is simply too far for me to drive back and forth to San Francisco each day to practice. Granting my request will have a huge impact on my success in reaching my big goal and dream of becoming a circus performer. *Trapeze Arts of Oakland*, have been kind enough to build me a custom rigging apparatus upon the City of Sunnyvale granting me the request. Trapeze Arts are the people that build equipment for Cirque Du Soleil. They paid me a visit the last week in January and took a look at the space at 1110 Breezewood Court, and said it would be an ideal location for this sort of thing. The location we have chosen for this apparatus will make it difficult to be seen from the street, and in no way interrupt anyone's privacy or cause any disturbance. It will take on the appearance of a satellite or a very thin telephone pole, only less visible. It doesn't look like anything, really. People driving by wouldn't think twice if they caught sight of it. It is a *temporary* fixture that can be set up and taken down, and really nothing more than a 25 ft high free standing swing set. The worth of the apparatus will be somewhere in the ballpark of \$4,000 to \$6,000. We have just signed on for another two year lease with our landlord and will be taking the apparatus with us when we eventually move.
- 2) The apparatus will not cause harm to the yard, the house itself or the neighborhood. I have sought permission from the landlord.
- 3) I understand this is a peculiar request, and I promise that I will be supportive and respectful of the neighborhood and the community. I have signed a waiver and have been granted special permission from the Circus Center to practice this art at my residence and at my own risk, due to accomplishing the appropriate rope skill level to do so. I promise not to allow anyone in the neighborhood to use my equipment for any reason or put anyone at risk at any time. If by chance someone becomes inspired by what I do, I will be supportive of them by referring them to the professionals at Circus Center in San Francisco so they too can safely learn the skill under proper supervision and achieve their dream.