



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 26, 2008

SUBJECT: **2008-0110** – Application located at **911 E. Homestead Road** (at Nightingale Ave.) in an R-0 (Low-Density Residential) Zoning District.

Motion Use Permit to allow a 9’ 6” fence in the required front yard of the property.

REPORT IN BRIEF

Existing Site Conditions Existing one story residence

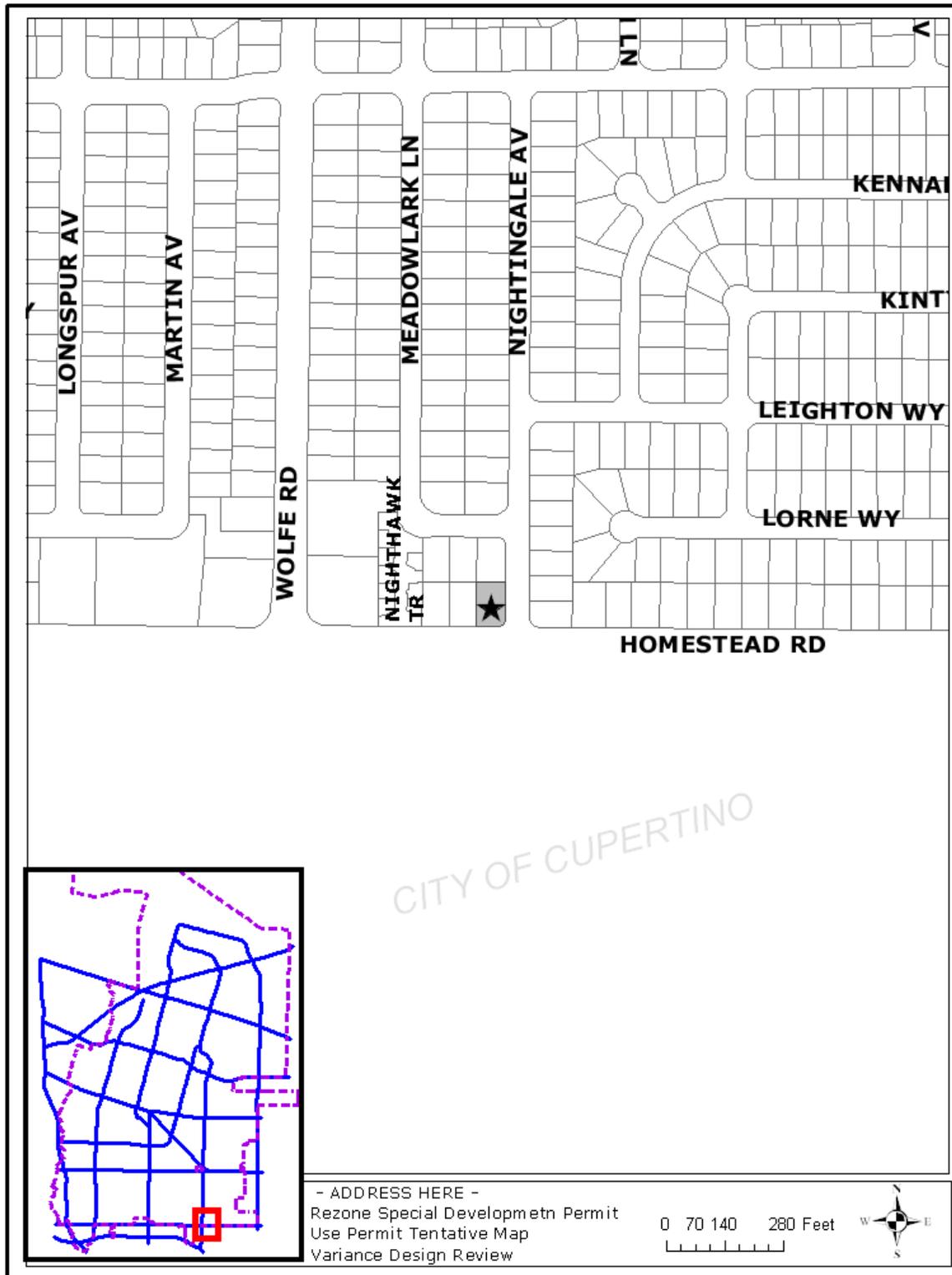
Surrounding Land Uses

North	Single-family residence
South	E. Homestead Road
East	Nightingale Avenue
West	Single-family residence

Issues Vision triangle, height

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

Staff Recommendation Approval with conditions



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.)	7,526 sq. ft.	No change	6,000 min.
Lot Coverage (%)	22.5 %	Same	40% max.
Floor Area Ratio (%)	22.5 %	Same	45% max. without PC review
Fence Height (ft.)		9'6"	UP required for fences over 7' tall

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing to build a new 9'6" tall fence in front of the subject property along Homestead Road as measured from top of curb at the corner of Homestead Road and Nightingale Avenue. The proposed fence would be located outside the corner vision triangle area at a setback of 14' from the front property line and at a setback of 20'6" from the side property line (*Attachment C, Site and Architectural Plans*). Fences over 7' tall in the required 20' front setback area require Use Permit approval.

The applicant has also applied for a staff-level Design Review permit for an addition to the house. Although the submitted plans include details of the proposed addition, the Use Permit currently being reviewed is only for the proposed fence and does not include review of the proposed addition to the house.

Background

The subject site is located in a primarily single-family residential neighborhood and is zoned Low-Density Residential (R-0). The existing house and garage were constructed in 1958.

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

File Number	Brief Description	Hearing/Decision	Date
2007-1105	Application for related proposals including Variance, Design Review and Use Permit	Denied	12/12/2007
2007-0643	Tree Removal permit application to remove one Pine tree located in the rear yard of the property	Approved	6/26/2007

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 modifications to existing facilities.

Use Permit

Site Layout and Design: The subject site is a 7,526 sq. ft. rectangular corner lot measuring 71 ft. in width and 106.5 ft. in depth. The existing home is a single-story three-bedroom home with an attached two-car garage. The existing home conforms or exceeds current front, side and rear yard setback requirements with a 20-foot front yard setback, a 6-foot left side yard setback, a combined side yard setback of 23 feet and a 34-foot rear yard setback. The home currently sits at the center of the lot and has a side-loaded garage with a driveway off Nightingale Avenue.

The proposed remodel plans include an addition of approximately 550 sq. ft. to the existing home resulting in a three bedroom, three bath home along with the conversion of the existing garage to an office. The new garage is proposed to be located at far right corner of the lot facing Nightingale Avenue with a driveway off Nightingale Avenue. Although the subject home has its front entrance porch facing Nightingale Avenue, technically the shorter edge of the lot facing the public right-of-way is considered to be the front property line.

The proposed 9'6" tall, L-shaped fence would be located outside the 40' corner vision triangle at the corner of Homestead Road and Nightingale Avenue. The site currently has a significant Ash tree located within the 20' required front yard area. Although the proposed location of the fence is immediately adjacent to the existing tree, the fence has a chamfered design that would not require the tree to be removed (*see Site and Architectural Plans, Attachment C*). Staff has included a condition stating that the significant Ash tree in the required front yard area shall not be removed and also that tree protection measures shall be adopted to preserve the root system of the subject tree.

Generally speaking, the elevation of the subject property is approximately 3'6" higher than the elevation of the top of curb on Homestead Road and Nightingale Avenue. The proposed fence structure is 6' tall; the overall height of the fence is 9'6" as measured from the top of the existing sidewalk due to the elevation of the site from the adjoining curb.

The applicant has stated that a 9'6" ft. tall fence is required to minimize noise impacts on the property from Homestead Road and to create a private courtyard area in front of the home. During site visit, staff observed that some homes in the vicinity of the subject property with a frontage on Homestead Avenue have fences taller than 6'. Moreover, Homestead Avenue is a busy thoroughfare with a high volume of traffic during most of the day.

The proposed fence has been designed to match the overall appearance of the existing home with arched tops, stucco exterior and brick accents. The design also includes a decorative metal gate at the far left corner of the fence on the frontage facing Homestead Road. Overall, the fence design reflects high quality materials and design. Staff recommends that the area outside the fence in the required front yard area be landscaped using small shrubs and grasses.

Compliance with Development Standards/Guidelines: Fences greater than 7 feet tall in the required front yard and side yards require a Use Permit. A building permit is also required for any fence exceeding 6 feet in height.

Sunnyvale's Single Family Home Design Techniques state the following:

Fencing along front property lines and along side property lines within front yard setback areas should not exceed three feet in height. Open wood fencing is the preferred solution along the front property lines. Side fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged. For side property lines abutting a public street, low fencing is encouraged. However, when privacy is at issue, fences should be constructed of wood up to a maximum height of six feet with at least the top twelve inches constructed of wood lattice to soften the visual appearance of the fence top. (item 3.11.G).

The intent of the guidelines is to prevent a walled-in appearance of single-family homes and to minimize the visual impact on the streetscape and the overall neighborhood. Therefore, every effort should be made to reduce possible visual impacts and to ensure that the design of the fence is in keeping with the neighborhood.

The existing fence location is unique in that it is located immediately adjacent to a major thoroughfare with high volumes of traffic and that the site itself is at a significantly higher elevation than the curb. For the fence to not require a Use Permit, it would have to be no greater than 3'6" so that the total height of

the fence from top of curb does not exceed 7'. A 3'6" fence would not serve to reduce noise impacts on the subject property.

The L-shaped fence is proposed to be located along the side of the existing home with a small portion that connects to the front of the home. As discussed previously, although the fence is technically in the 'required front yard' of the property, in terms of orientation of the home the proposed fence will be along the side of the home.

Although the fence could impose on the streetscape, there are landscaping opportunities available that will help soften the visual appearance of the fence. The applicant states that shrubs will be planted along the front of the fence (*see Attachment D – Applicant's Letter*). Though no plant species or locations have been included in the proposal, staff recommends that the landscaping plan be reviewed and approved by the Director of Community Development prior to issuance of a building permit. (*see Attachment B, Recommended Conditions of Approval*). Moreover, the material of the fence plays a role in the reduction of noise impacts and in that regard a solid masonry fence would work better than a wooden fence. Therefore, staff finds that the existing fence design and location meet the intent of the Single Family Home Design Guidelines.

Expected Impact on the Surroundings: At the highest point, the design of the fence includes 6' of solid masonry including walls and posts; the site itself sits at an elevation of approximately 3'6" from the curb which adds to the total height of the 9'6" fence. The proposed fence is located 6' into the required front yard area and this provides some landscaping opportunities to reduce the visual impact of the fence. Moreover, some homes in the neighborhood with frontage on Homestead Road have fences that are taller than 6'. Therefore, staff finds that the visual impact of the fence is minimal to the streetscape and surrounding neighborhood.

Fiscal Impact

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

Public Contact

No comments were received from the public regarding this project.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 6 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

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Approve the Use Permit with the attached Conditions of Approval.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

Recommendation

Staff recommends Alternative 1.

Prepared by:

Surachita Bose

Project Planner

Reviewed by:

Andrew Miner

Principal Planner

Attachments:

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

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Action Statement - N1.1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale (Finding met).

The proposed project provides the property owners adequate privacy to enjoy the open space on the property, without compromising the aesthetics of the neighborhood.

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 (Finding met).

At the highest point, the design of the fence includes 6' of solid masonry including walls and posts; the site itself sits at an elevation of approximately 3'6" from the curb which adds to the total height of the 9'6" fence. The proposed fence is located 6' into the required front yard area and this provides some landscaping opportunities to reduce the visual impact of the fence. Moreover, some homes in the immediate neighborhood with frontage on Homestead Road have fences that are taller than 6'. Homestead Road is a busy thoroughfare and the noise generated on the subject property is high as compared to the noise in the front yards of other single family homes in the neighborhood. Therefore, staff finds that the visual impact of the fence is minimal to the streetscape and surrounding neighborhood.

Recommended Conditions of Approval - Use Permit

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. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. OBTAIN OTHER PERMITS

- A. Obtain Building Permits as required.

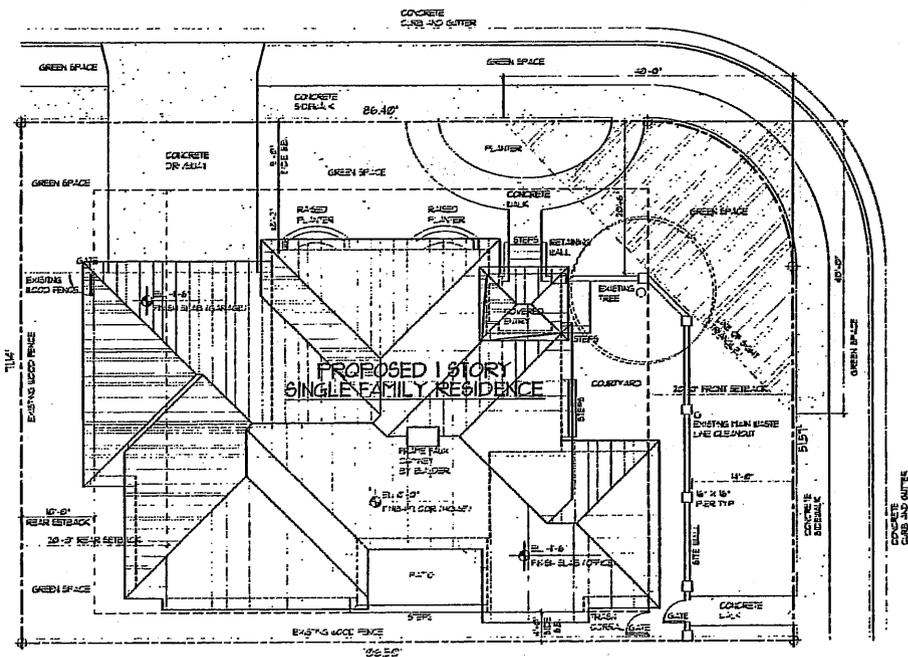
3. FENCES

- A. At its highest point, the fence shall not exceed 6 feet as measured from the finished grade and shall not exceed 9'6" as measured from top of curb.
- B. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a "vision triangle" (For definition, refer to Vision Triangle brochure or SMC 19.12.040(16), SMC 19.12.050 (12))
- C. The fence shall be allowed only in conjunction with the proposed remodel/addition to the existing home. Separate Design review permits are required for the proposed addition/remodel of the home.

4. LANDSCAPING

- A. Ground cover, including shrubs and grasses, shall be planted in front of the fence within the required front yard area so as to ensure full coverage eighteen months after installation.

- B. The significant Ash tree located within the required front yard area shall not be removed. Tree protection details shall be submitted prior to applying for building permits to ensure that the root system of the Ash tree is not damaged during construction of the fence.
- C. Irrigation shall be installed in the area between the front property line and the fence.
- D. The landscaping and irrigation plan shall be reviewed and approved by the Director of Community Development prior to issuance of final building permits.

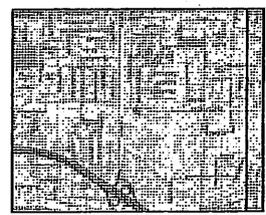


AREA CALCULATIONS:	
EXISTING / RENOVATED LIVING AREA	• 1200 SF.
EXISTING GARAGE / OFFICE CONVERSION	• 443 SF.
LOWER LIVING AREA ADDITION	• 683 SF.
OFFICE ADDITION	• 23 SF.
TOTAL LIVING AREA	• 2350 SF.
GARAGE ADDITION	• 571 SF.
MECHANICAL ROOM ADDITION	• 48 SF.
COVERED ENTRY ADDITION	• 80 SF.
UNCOVERED PATIO ADDITION	• 162 SF.
GRAND TOTAL	• 3712 SF.

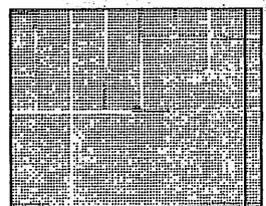
LOT
COVERAGE
2,930 SF.

F.A.R.
2,930 SF.

ZONING DISTRICT: R8
 LOT AREA: 7526 SF.
 LOT COVERAGE: 38.93% (40.00% MAX)
 F.A.R.: 38.93% (45.00% MAX)
 REQUIRED REAR YARD AREA: 1423 SF.
 REAR YARD AREA ENCROACHMENT ALLOWED: 356 SF. (25.02%)
 ACTUAL REAR YARD AREA ENCROACHMENT: 348 SF. (24.46%)



VICINITY MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE



NORTH

LEGAL DESCRIPTION

LOT 26, TRACT 155,
 VERDE GARDENS UNIT NO. 2
 PLUS BACK 58, PAGE 36
 SANTA CLARA COUNTY, CALIFORNIA

REVISIONS

TRIGLAS
 POLICIAS
 THORSON
 ARCHITECTS
 1772 AVENUE 10
 SAN JOSE, CA 95128
 TEL: (408) 297-1111
 FAX: (408) 297-1112

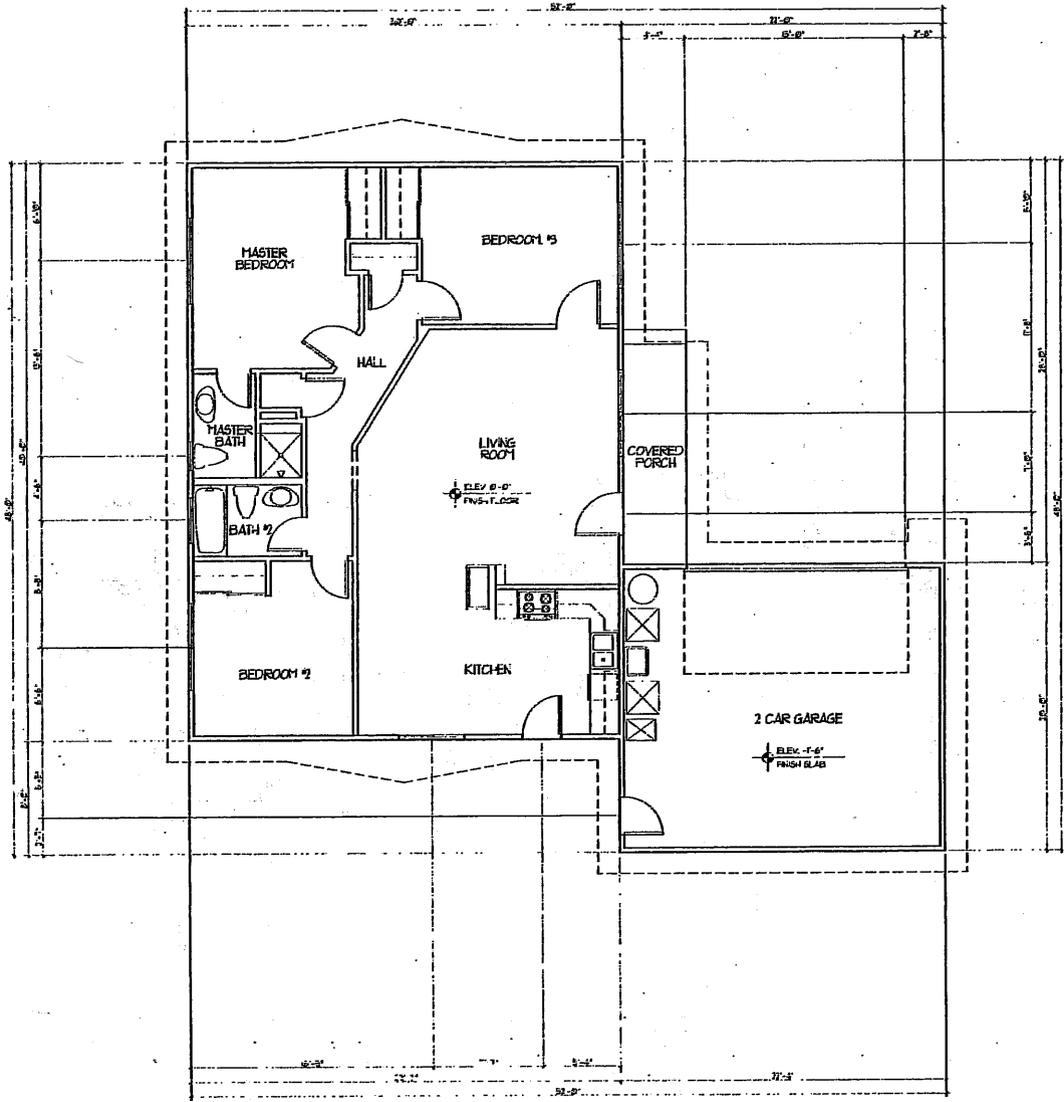
AN ADDITION / REMODEL FOR
 MR. AND MRS. JACK WILLIAMS
 311 E. HOMESTEAD ROAD
 SAN JOSE, CALIFORNIA 94081
 SANTA CLARA COUNTY

PROFESSIONAL NO.
 0201021

ISSUE DATE
 12.4.08

SCALE
 AS SHOWN

ATTACHMENT
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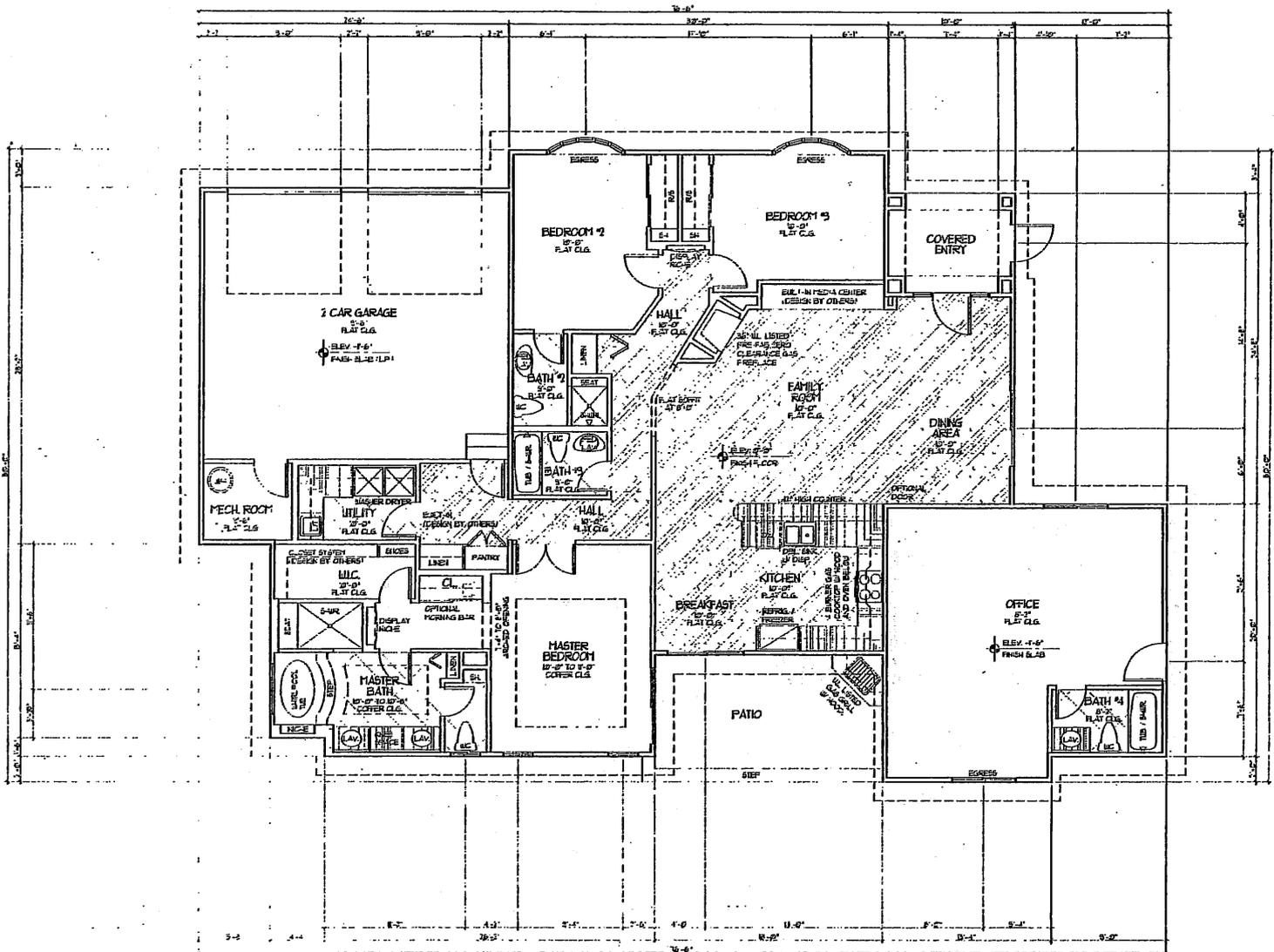
TRIGG
 POLLOS
 FLOORING
 1000 S. GARDEN ST.
 ANAHEIM, CA 92805
 (714) 931-1111

AN ADDITION / REMODEL FOR:
 MR. AND MRS. JACK WILLIAMS
 5111 E. CRYSTAL FORD
 SUNNYVALE, CALIFORNIA 94087
 SANTA CLARA COUNTY

CONTRACT NO.
 02021101

SHEET DATE
 12-4-05

PLUTION PLAN
 25-01-10-01



NO.	REVISIONS

TRIGG
 DOUGLAS
 THORSON
 ARCHITECTS
 1000 S. GARDEN ST.
 SANTA ANA, CALIFORNIA 92705
 TEL: 714/241-1111
 FAX: 714/241-1112

AN ADDITION / REMODEL FOR
 MR. AND MRS. JACK WILLIAMS
 511 E. HORTSTEAD ROAD
 SANTA ANA, CALIFORNIA 94081
 SANTA CLARA COUNTY

PROJECT NO.
 0801021

DRAWING NO.
 L24.09

SCALE: 1/8" = 1'-0"

ATTACHMENT C
 Page 4 of 6

Project Description

Property address: 911 E Homestead Rd.
Owners/Applicants: Jack L Williams and Myhoa Le
Reside at property address

Date: 2/5/08

APN: 313-38-033

Telephone: 408-749-0269

USE PERMIT - City of Sunnyvale – Fence higher than 6' justification

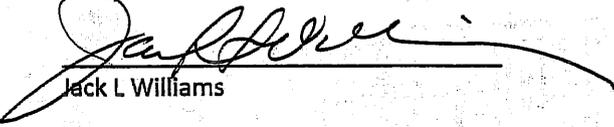
The Sunnyvale Municipal Code requires that at least one of the following two justifications must be met in order to approve a Use Permit Application. Illustrating how your project meets each of the following justifications will assist the Planning Division in reviewing your proposal.

1. Attain the objectives and purposes of the General Plan of the City of Sunnyvale.
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.

Owner Statement

1. To the best of my knowledge this Use Permit Application does not deviate from the objectives and purposes of the General Plan of the City of Sunnyvale.
2. We request permission to build this fence (wall) for the following reasons:
 - a. The stucco fence is actually only 6 feet high off of the lot at ground level. The additional 3 feet, 6 inches is due to the lot elevation from the sidewalk. The wall is 14 feet away from the edge of the Homestead and Nightingale sidewalks, thereby posing no "great barrier" impact on a passing pedestrian. We are leaving a very large green space facing both of the streets, which will be beautifully landscaped for everyone's enjoyment.
 - b. This wall is not special to this house since the rear yard redwood fence facing Nightingale has been there for more than 15 years. The fence is almost 10 feet above the sidewalk and there never has been a complaint from a neighbor, as far as we know.
 - c. The Homestead wall will be used to enclose a very small part of our front yard to be courtyard and it complements the entrance to our house (see remodel plans).
 - d. The wall also is essential to reducing the heavy traffic noise coming from East Homestead Road, which is only 57 feet from our front door. Using a professional Sound Level Meter, we have measured the noise at levels from 62 to 67 dBA at peak traffic, i.e., early mornings and late afternoons. A stucco type wall that blocks the sight of the cause of the noise has the effect of reducing the noise up to 10 to 15 dBA, which combined with other noise abatement techniques, such as double pane windows, solid core doors, insulated walls and attics, etc. (See attached article titled, "This Quiet House, by James P. Cowan."
 - e. The wall also is an integral part of the overall house remodel design. It adds significant attractiveness to the exterior appearance (see style of wall compared to east house facade facing Nightingale Lane).
 - f. There are many fences in the East Birdland Neighborhood that exceed the City's six foot limit by a foot or two, which border the sidewalk (I counted at least 10 homes within the neighborhood). Most people obviously do not object to slightly high fences.

Thus, for these reasons we feel that the Use Permit is justified and should be approved.



Jack L Williams

(see page 2)

NPC Special Report

Summer 2005

This Quiet House *Noise Control for the Home – Reducing the Intrusion of Outdoor Sources*

by James P. Cowan

This is the first in a series of articles concerning noise control for the home. The next article will consider noise control for sources within the home.

From an engineering standpoint, noise problems are usually addressed in three general categories (in order of priority):

1. At the noise source,
2. In the path between the source and a listener, and
3. At the listener.

If the noise source can be controlled at its origin, there is no need to deal with the path or listener's location because the problem will have been solved before it leaves the source area. This is obviously the most effective and least intrusive (on listeners) way to solve a noise problem, and it has been the focus of most of the fine work that the Noise Pollution Clearinghouse has been doing since its inception.

As all of us who have dealt with an environmental noise problem are well aware, quieting noise at its source requires the cooperation of the owner of that source. Although laws and guidelines may assist us in that direction, they don't always provide full relief for everyone. When this is the case, it would be helpful to know what you can do in your own house to reduce the intrusiveness of an outdoor noise source.

Controlling Environmental Noise Outdoors

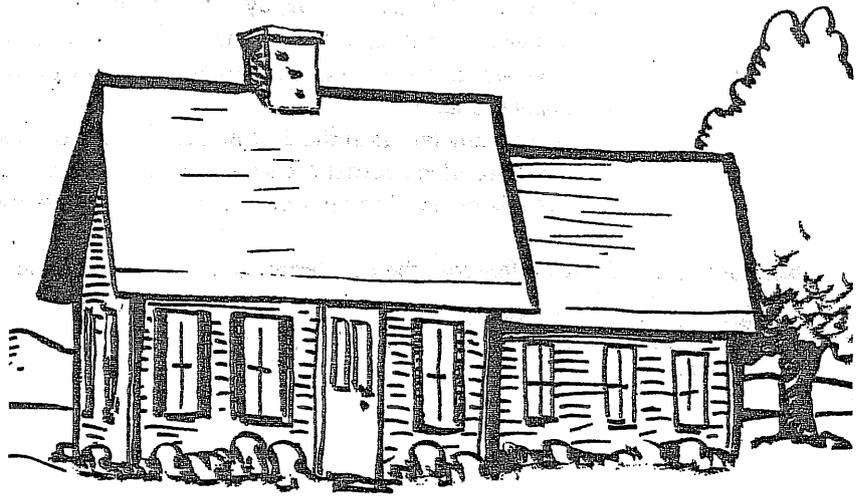
Our options for controlling environmental noise outdoors are more limited than are our indoor options. In the outdoor path between a noise source and listener, the main options are either enclosing the source or erecting a barrier between the source and listener. Since enclosing the source is often impractical, a barrier is often

our only practical noise control measure for outdoor sources.

Barriers are often thought of as the cure for any outdoor noise problem, but they actually do little to reduce noise when significant reduction is needed. To provide any noise reduction to a listener, a barrier must completely break the line-of-sight. In other words, if you can see a noise source on the other side of a barrier (either over or around the sides of the barrier), the barrier is providing no appreciable noise reduction for you. Another critical part of effective barrier design is that the barrier does not have any openings that would permit light to pass through it. Air gaps in barriers will significantly compromise the already small effect that the barriers provide.

Bear in mind that diffraction effects cause sound waves to bend over and around barriers, so their maximum noise reduction effectiveness is limited to the 10 to 15 dBA range, and this is only when the barrier is fairly close to the source or listener. Also note that barriers lose their noise reduction effects with distance, and are minimally effective beyond 200 feet from the listener or the source.

As far as barrier materials are concerned, any solid wall that can stand up to the elements will perform equally as



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well as any other. Although layers and mass will make a difference for enclosure walls, they will not make a difference for outdoor barrier walls. This is because the 10 to 15 dBA diffraction limit of a barrier. Any wall that can stand up to the elements also has the capability of reducing noise levels by at least 15 dBA.

Along these lines, trees generally provide no significant noise reduction. For trees to provide any significant noise reduction (more than 3 dBA) you would need a forest with trees being at least 100 feet in depth and dense enough so that you can't see through the first few rows. When most homeowners and developers think of using trees as noise control, they don't have this kind of vegetation in mind. If you prefer something natural, a berm would provide similar noise reduction to a barrier wall, but you would need much more space available to you to make that work.

So, the bottom line for outdoor noise control is that if 10 dBA of noise reduction (generally recognized as half the loudness) is enough for your purposes, a solid barrier fully blocking your line-of-sight and within 50 feet of you or the source will fit the bill, as long as you are within 200 feet of the source. If cutting the loudness in half is not enough, the noise source still will be a problem for you outdoors, even with a barrier.

Noise barrier design is not rocket science. The keys are breaking the line-of-sight between the source and listener while erecting the barrier within 50 feet of the source or the listener. This may take some geometric calculations, but you don't need a noise consultant to do them for you. The more you invest in the barrier, however, the more it makes sense for a professional consultant to double check your work and confirm that the noise will be reduced.

Controlling Environmental Noise Indoors

We have many more options for controlling noise in an enclosed space. The key here is the word "enclosed." This assumes that your windows and doors will be closed at all times; otherwise, all bets are off. Speaking of windows and doors, they are the best places to start since they are usually the least effective wall components for reducing outdoor noise. Of critical importance is that all exterior walls in your house are sealed. Any air gaps in window or door



frames should be sealed with non-hardening materials, such as silicone caulk for small spaces. Non-hardening sealants are critical because hardening sealants can crack to cause air gaps. Air gaps can significantly reduce the noise reduction effectiveness of a wall, so this step should be performed before replacing any windows or doors. You may not be able to see these gaps if they are behind molding or trim, so you need to check everywhere.

Double-paned, insulated windows (when properly sealed) will provide an average of 9 dBA more sound reduction than standard single-paned windows. Adding a properly-sealed storm window or replacing single-paned glass with

laminated glass can add an average of 5 dBA to the noise reduction of standard windows. Fully-gasketed, solid-core doors can easily provide more than 10 dBA more noise reduction than hollow-core ungasketed doors. The gasketing alone (including floor seals on solid thresholds, not on carpet) can improve the noise reduction effectiveness of a door by 5 to 10 dBA. Adding insulation to an attic area can add another 5 dBA of reduction from outdoor noise.

The noise reduction effectiveness of any exterior wall is driven by the least effective component of that wall. In this spirit, the first step would be to eliminate air gaps, and the next step would be to upgrade windows, doors, and attic insulation. Don't consider beefing up your exterior walls until these steps have been considered. Adding layers to exterior walls will provide little if any additional interior noise control if the windows and doors are not properly designed to match the effectiveness of the wall materials.

In a future article, I will explain how you can control noise sources that reside within your house. Insulating your home to address low frequency (below 250 Hz) noise is more complicated than described above, and this will be addressed in another future article.

James P. Cowan is a senior consultant with Acentech Incorporated, an acoustics consulting firm in Cambridge, MA, and he is the author of two books on noise, Handbook of Environmental Acoustics (John Wiley & Sons, 1994) and Architectural Acoustics Design Guide (McGraw-Hill, 2000).