



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

April 16, 2008

SUBJECT: **2008-0237** – Application located at **1198 Valelake Court** (at Lakebird Dr.) in an R-0 (Low Density Residential) Zoning District.

Motion Use Permit to replace an existing 7' tall fence along the reducible front yard (Lakebird Drive) with an 8' tall fence.

REPORT IN BRIEF

Existing Site Conditions Single-family residential

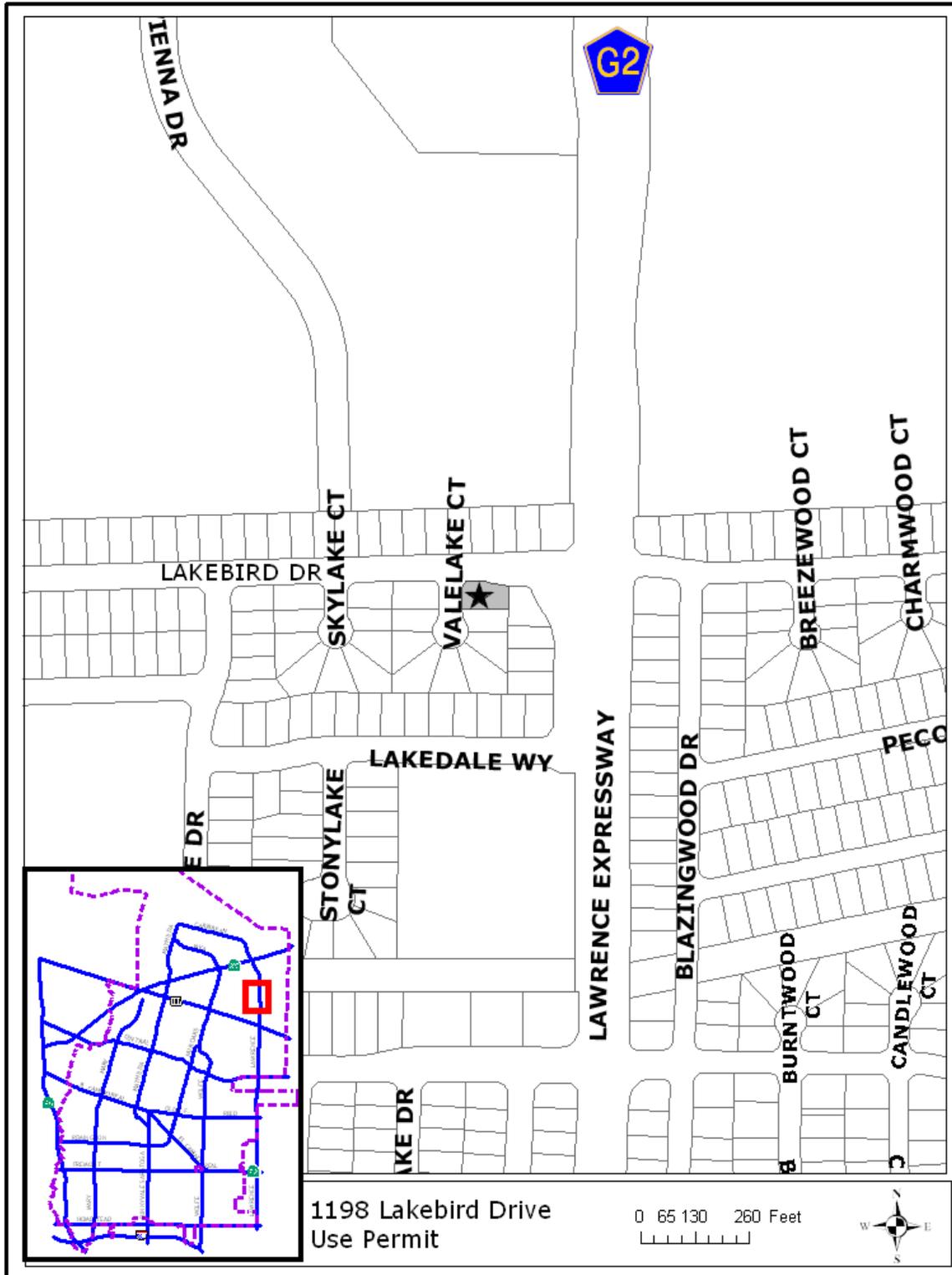
Surrounding Land Uses

| | |
|-------|-----------------------------------|
| North | Single-family residential |
| South | Single-family residential |
| East | Multi-family residential (duplex) |
| West | Single-family residential |

Issues Fence height and visual impact

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

Staff Recommendation Approve 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.) | 6,370 | Same | 6,000 min. |
| Gross Floor Area (s.f.) | 1,468 | Same | 2,866.5 max. |
| Lot Coverage (%) | 23% | Same | 45% max. |
| Floor Area Ratio (FAR) | 23% | Same | 45% max. without PC review |
| Fence Height (ft.) | 7' measured from interior grade (8' measured from curb) | 8' measured from curb | > 7' requires a Use Permit |

ANALYSIS**Description of Proposed Project**

The applicant proposes to construct a new 8' tall fence, as measured from the top of the nearest public curb, adjacent to the sidewalk in the reducible front yard along Lakebird Drive. The proposed fence would replace an existing 7' tall solid wood fence (measured from grade) that is set back between 6' and 8' along its length from the sidewalk. The height of the existing fence as measured from the nearest public curb is 8'. The applicant proposes to extend the fence to the public sidewalk for privacy, security and to gain additional usable open space (see Attachment D). The total length of new fencing that would be constructed is 84'. There is an existing grove of tall bamboo between the existing fence and the sidewalk that would be removed as part of this project.

A Use Permit is required for fences in the reducible front yard that exceed seven feet in height. The height of fences in the reducible front yard is measured from the nearest public curb.

Background

Previous Actions on the Site: The home was built in 1958. There are no previous planning applications related to this site.

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: The subject site is located at the east corner of Valelake Court and Lakebird Drive. The existing single-family home faces Valelake Court and is situated closer to the south property line. There is about a 1' difference in grade from the public sidewalk along Lakebird Avenue to the level of the yard and home. Grade differences between the public curb and the homes in the neighborhood are minimal, ranging from about 6" to 1'.

Fence Location and Design: The applicant is proposing to replace the existing 7' tall solid wood fence in the reducible front yard with an 8' tall solid wood fence with the top twelve inches constructed of wood lattice. The proposed fence would be set back approximately 40' from the front property line and would be immediately adjacent to the sidewalk and rear property line. The existing fence is set back between 6' and 8' from the sidewalk along Lakebird Drive. There is about a 1' difference in grade from the public sidewalk to the level of the yard and home, so the proposed fence would be 1' lower than where the existing fence is.

The applicant has stated that the main reason for the proposed relocation of the fence is security. Garbage, junk and other materials have been stored within the grove of bamboo between the existing fence and the sidewalk, which has caused conflicts between neighbors. The applicant has also stated that the Department of Public Safety (DPS) has been called out to the site a number of times to resolve these disputes. DPS was unable to provide comments to be included in this report.

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

Staff finds the height of the proposed fence is not consistent with current development standards and guidelines. Sunnyvale's Single Family Home Design Techniques state the following:

3.11. G – 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.

Although the proposed fence includes lattice at the top (which is consistent with the Design Techniques), the 8' height is not consistent with the Design Techniques' 6' height recommendation. Staff does not believe that an 8' tall fence is necessary to achieve the desired privacy and screening, even considering the 1' grade difference.

The Design Techniques encourage low, open fencing consistent with a residential neighborhood atmosphere. The impact of a taller fence can be mitigated by planting landscaping in front of the fence to soften its appearance and avoid an imposing, "walled-in" feeling. As proposed, the project does not include installation of landscaping to soften the visual impact of the fence as it would be immediately adjacent to the sidewalk. Staff finds that the proposed eight-foot tall fence in its location is not consistent with the City's development standards and guidelines.

Expected Impact on the Surroundings: The proposed height and location of the fence would have a negative visual impact on the streetscape and neighborhood as it would create an imposing, "walled-in" feeling to passersby. Although other corner lots within the vicinity have fences immediately adjacent to the sidewalk, many are not permitted and are inconsistent with the Single Family Home Design Techniques. One corner property was approved for a six-foot 6-inch fence immediately adjacent to the public sidewalk.

Fiscal Impact

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

Public Contact

Staff has not received any public comments regarding this application.

| Notice of Public Hearing | Staff Report | Agenda |
|--|--|--|
| <ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 19 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: Although the design of the proposed fence is consistent with the Single Family Home Design Techniques, it is significantly taller than the recommended height of six feet. The proposed height, along with its location, would create a fortress-like appearance to the property, which is inconsistent with the residential character of the neighborhood. Recent permit approvals have allowed taller fences immediately adjacent to the public sidewalk that are seven feet tall measured from the top of the nearest curb, and six feet tall or less measured from the interior grade (level of the enclosed yard). Fences exceeding seven feet have been required to have appropriate setbacks with landscaping installed between the fence and the sidewalk to soften visual impacts.

In this case, the subject site is about a foot higher in grade than the public sidewalk. If the Administrative Hearing Officer is able to make the required findings to approve the project, staff recommends conditions of approval requiring a modified design. Conditions of Approval #3A-b require the applicant to either set back the proposed eight-foot tall fence an additional two feet from the sidewalk and install landscaping in the space between; or reduce the height of the fence to seven feet at the proposed location and plant vines that would grow over the fence to soften its appearance.

Findings and General Plan Goals: With the recommended conditions, 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.
2. Approve the Use Permit with modified conditions of approval.
3. Deny the request for a Use Permit.

Recommendation

Alternative 1

Prepared by:

Rosemarie Zulueta

Project Planner

Reviewed by:

Andrew Miner

Principal Planner

Attachments:

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

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Statement

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Goal C1 – Preserve and enhance an attractive community, with a positive image and a sense of place that consists of distinctive neighborhoods, pockets of interest, and human scaled development.

Single Family Home Design Techniques

3.11.G – 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.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. *(Finding met with conditions.)*

The proposed fence is not consistent with the Single Family Home Design Techniques, which encourage the use of open fencing with a height of no more than six feet in the reducible front yard. With the recommended conditions to install landscaping and either set the proposed fence back or reduce the height at the proposed location, the fence will maintain the scale and appearance of the residential 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 with conditions.)*

The proposed height and location of the fence and the lack of landscaping would result in an imposing, “walled-in” feeling, which would have a negative impact on the streetscape and the surrounding properties. Staff has recommended conditions of approval to mitigate this potential impact and at the same time provide the security and privacy that the applicant desires.

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. These 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.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.

2. OBTAIN OTHER PERMITS

- A. Obtain Building Permits as required.

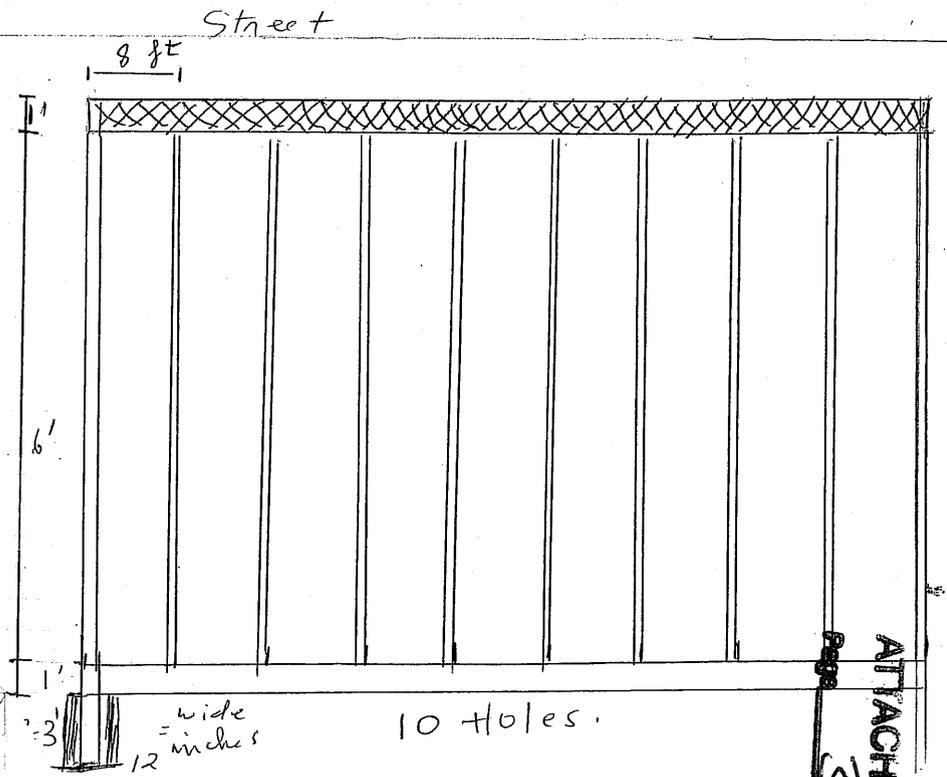
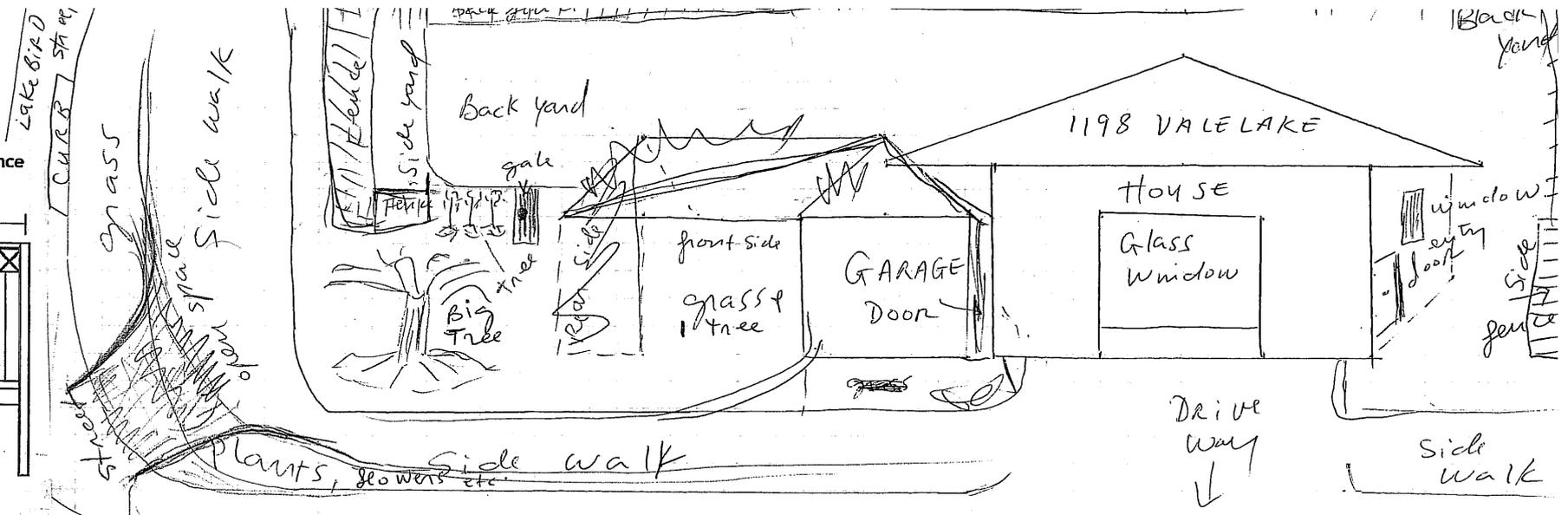
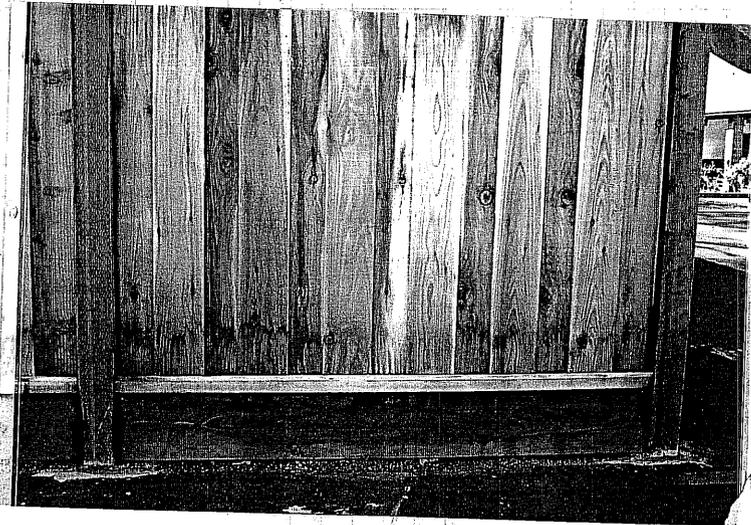
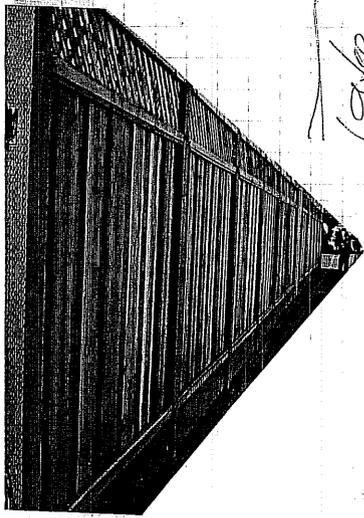
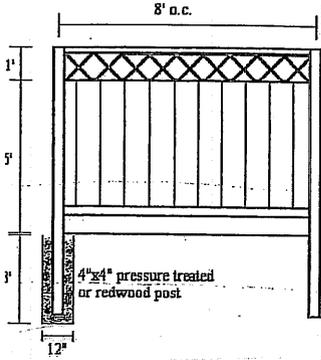
3. FENCES

- A. The proposed 8 foot tall wooden fence in the reducible front yard shall be set back a minimum of two feet from the property line. Trees, bushes, vines, or other tall landscaping shall be planted and maintained in the area between the fence and the sidewalk; OR,
If built adjacent to the sidewalk as proposed, the overall height of the fence, as measured from the top of the adjacent public curb, shall be reduced so as not to exceed seven feet. Flowering, evergreen vines shall be planted on the south side of the fence (inside yard) and maintained such that it covers 75% of the top of the fence once the vine is established and grows over the top of the fence to soften the appearance of the fence from the public right-of-way.
- B. Landscaping shall be reviewed and approved by the Director of Community Development.

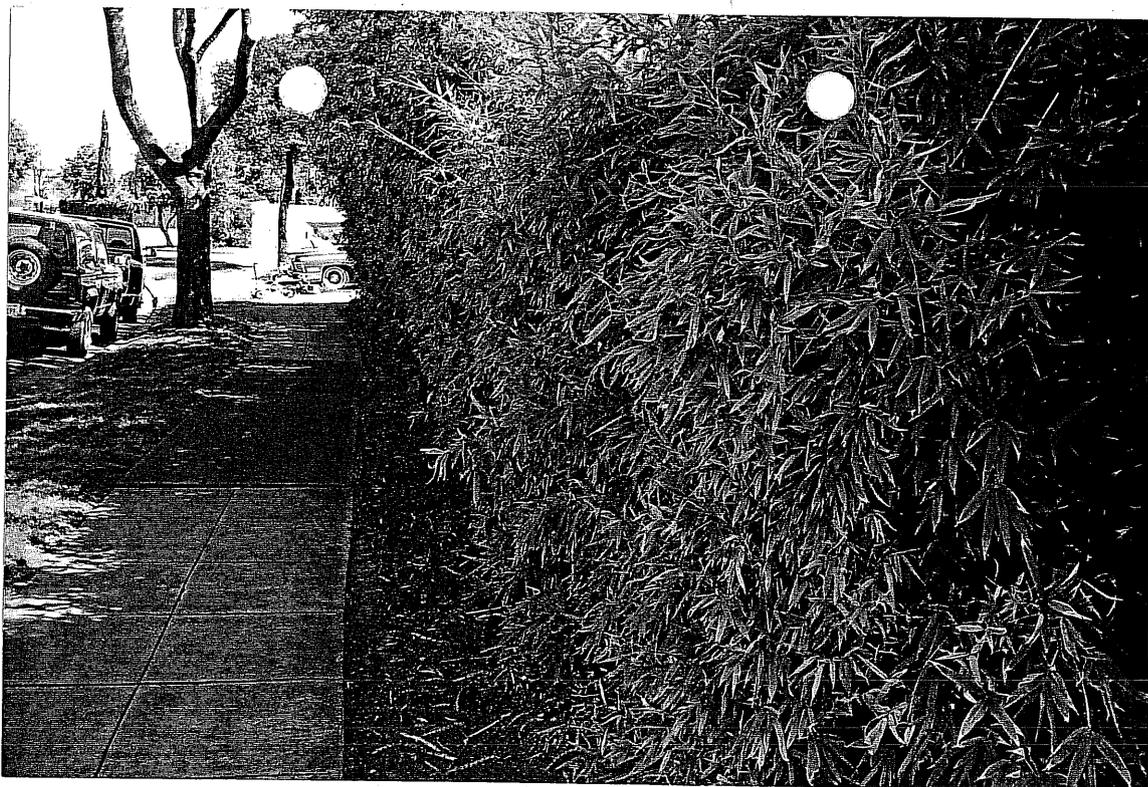


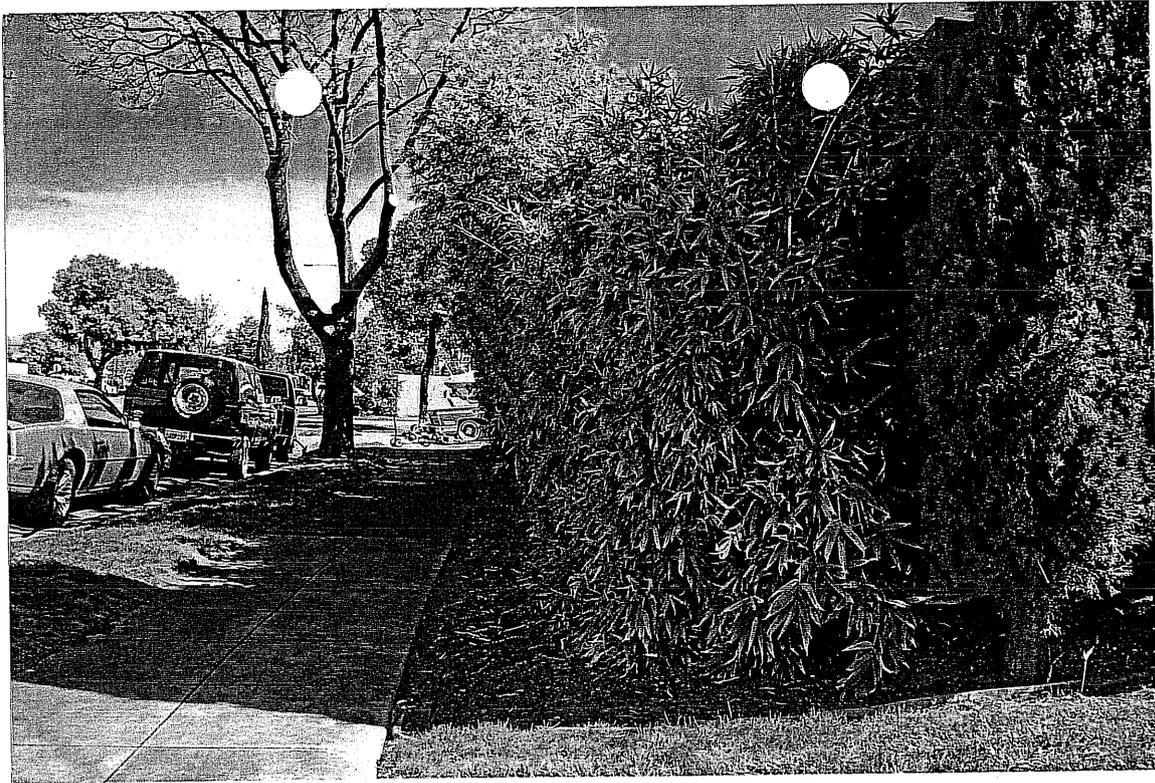
- Legend
- parcels
 - streets_County
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typical Six Foot High Wood Fence with One Foot of Lattice



ATTACHMENT C
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4-8-08

Hi Rosemaria

Here is the list of Reasons we want the new fence high 8 ft & build new fence along the city sidewalk ^{measure} from curb in 11 ft.

1. paying Taxes on the Land we can't use
2. Loss of 8 ft in back & 6 ft in front.
3. Land slopes down to sidewalk. sidewalk to fence is used for dump site for trash, beer bottles, cans, Carpets, tires, oil filters, oil rags, etc. . . .
4. Reason for 8 ft. privacy and Security.
Fence from East-west will be even with north-south fence.

Thank you for your help.

Best Regards

Mrs. Hoang Stroud

1198 Vall Lake CT
Sunnyvale, CA

94089