



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2009

SUBJECT: **2008-1285:** Application for a property located at **1694 Wright Avenue** (at W. Homestead Rd.) in an R-1 (Low Density Residential) Zoning District. (APN: 320-16-005)

Motion Use Permit to allow a 7'6" tall concrete fence along the reducible front yard of a single family home.

REPORT IN BRIEF

Existing Site Conditions Single-family home

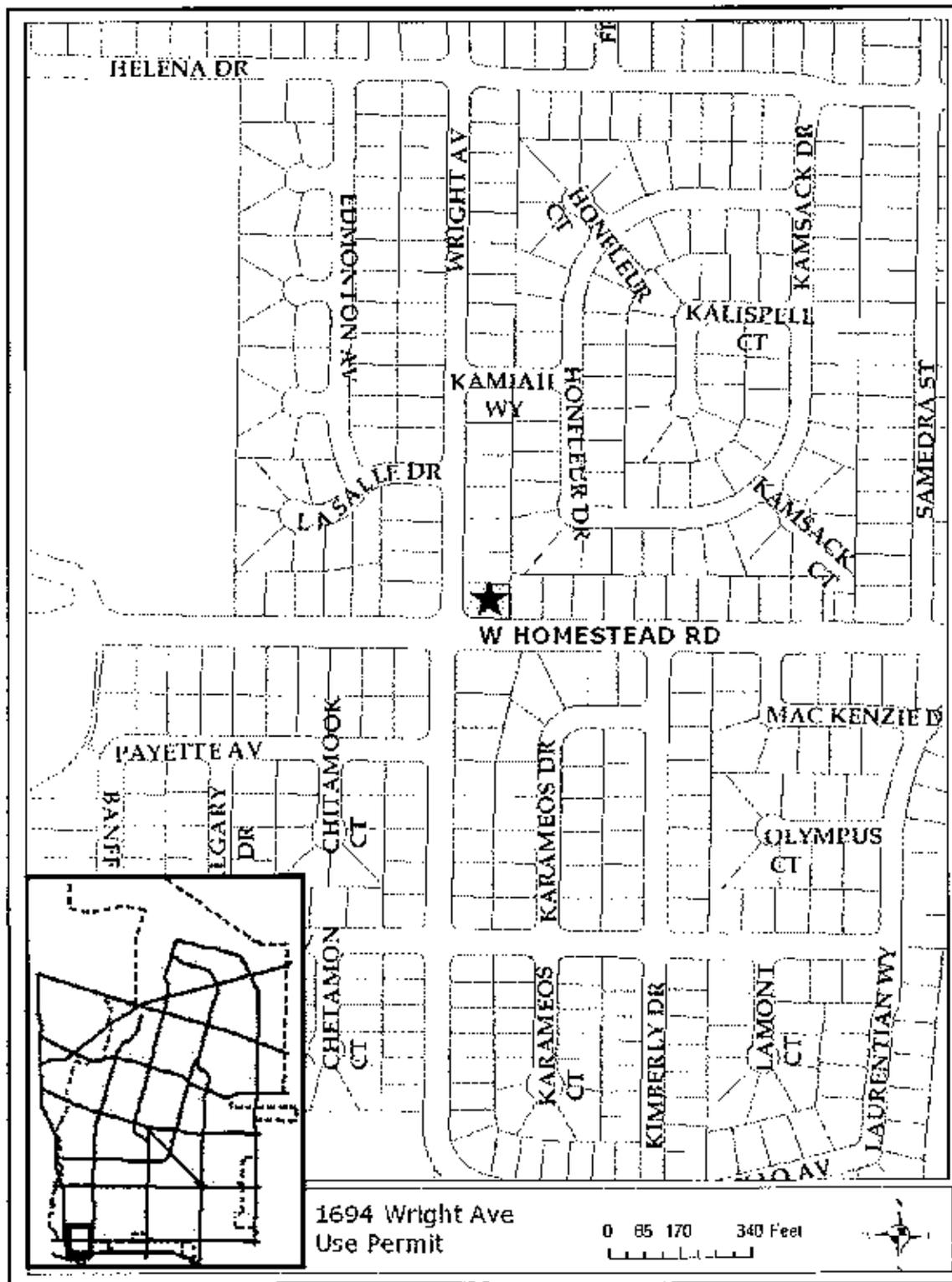
Surrounding Land Uses

North	Single-family residential
South	Single-family residential
East	Single-family residential
West	Single-family residential

Issues Fence height and visual impact

Environmental Status A Class 3 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-1	Same	R-1
Lot Size (s.f.)	8,073	Same	8,000 min.
Gross Floor Area (s.f.)	2,323	Same	3,632.9 max.
Lot Coverage	28.8%	Same	45% max.
Floor Area Ratio (FAR)	28.8%	Same	45% max. without PC review
Fence Height	7'-6" measured from top of curb along reducible front yard	7'-6" measured from top of curb along reducible front yard	> 7' with Use Permit

ANALYSIS**Description of Proposed Project**

The applicant proposes to construct a new 7'-6" tall, stuccoed concrete fence/wall as measured from the top of the nearest public curb, adjacent to the sidewalk in the reducible front yard along W. Homestead Road. There is an existing 7'-9" tall wooden fence along the reducible front yard and encloses the rear yard of the property. The applicant proposes to construct the new wall for privacy and to reduce the noise impacts from traffic.

A Use Permit is required for fences in the reducible front yard that exceed 7' 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 subject home was built in 1961. A one-story addition to the front of the home was constructed in 2008. There are no previous planning permits on record for the site. Staff was unable to verify whether the existing fence on the property is legal nonconforming.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include construction of new, small structures such as fences.

Use Permit

Site Layout: The subject site is located at the northeast corner of Wright Avenue and W. Homestead Road. The existing single-family home faces Wright Avenue. Homestead Road is a major arterial with a traffic light at its intersection with Wright Avenue. There is currently no window that directly faces Homestead Road. However, there are bedroom windows on the perpendicular wall which faces Wright Avenue.

There is about a 1' - 2' difference in grade from the public sidewalk along Homestead Road to the level of the home. There is at most a 1' difference in grade from the public sidewalk to the proposed location of the new wall as it wraps in front of the home.

Fence Location and Design: The applicant proposes to locate the wall along the reducible front yard, immediately adjacent to the back edge of the sidewalk (see Attachment C). The wall would wrap around the front of the home, outside of the corner vision triangle, and terminate at the southeast corner of the entry to the home. At its tallest (along the south side of the home facing W. Homestead Road), the wall would have a height of 7'-6" as measured from the interior grade; and at its shortest (right in front of the home facing Wright Avenue), the wall would have a height of 6' as measured from the interior grade.

The wall would be constructed of concrete with a stucco exterior. The applicant proposes to use these materials to reduce the noise from the busy intersection of Homestead Road and Wright Avenue. The wall would be capped and would include pillars at 10' intervals and painted the same color as the house.

There is currently ample landscaping along the reducible front yard where the wall is proposed to be located (see Attachment E for site photos). The landscaping includes several round bushes with tall shrubs along the wall of the home. As currently designed, the wall would either remove a portion of the existing landscaping or place it behind the proposed wall.

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 and proposed materials of the proposed wall 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.

The proposed wall is 7'-6" tall and made of concrete and stucco. The proposal is not consistent with the Design Techniques' 6' height and wood material recommendation.

The Design Techniques encourage low, open fencing consistent with a residential neighborhood atmosphere. However, the subject property is adjacent to a major arterial street. The impact of a taller fence can be mitigated by landscaping in front of the fence to soften its appearance and avoid an imposing, "walled-in" feeling. As proposed, the project would include removing the existing landscaping that is adjacent to the public sidewalk as the wall would be immediately adjacent to the sidewalk.

Expected Impact on the Surroundings: The proposed height and location of the wall would have a negative visual impact on the streetscape and neighborhood as it would create a "walled-in" feeling to passersby. The majority of homes along Homestead Road face the street so that the streetscape is comprised mostly of facades and front yard landscaping. Those properties that do not face Homestead Road (but have frontage along the street) have existing wood and concrete block fences. Although these properties have fences immediately adjacent to the sidewalk, staff was unable to find a permit for most of them and they are inconsistent with the Single Family Home Design Techniques. The property directly across Wright Avenue from the subject home has a wooden fence along the reducible front yard, but it is set back with tall trees and other shrubbery planted in front of it (see Attachment E). The property located on the southwest corner of Homestead Road and Wright Avenue was approved for a 6' fence (measured from interior grade, and approximately 7'-6" measured from top of curb) that served to screen windows from W. Homestead Road (see Attachment F for approved plans for 1002 W. Homestead Road). This fence is not immediately adjacent to any public sidewalk and is well within the required setbacks.

Fiscal Impact

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

Public Contact

Staff was contacted by a member of the public via email who expressed interest in obtaining a copy of the staff report. Staff will provide any updates at the Administrative 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 • 7 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 Web site • 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 • Posted on the City of Sunnyvale's Web site

Conclusion

Discussion: The proposed wall is inconsistent with the Single Family Home Design Techniques because it is taller than the recommended height of 6' and would consist of materials not suggested by the design guidelines. 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 7' tall measured from the top of the nearest curb, and 6' tall or less measured from the interior grade (level of the enclosed yard). Fences exceeding 7' have been required to have appropriate setbacks with landscaping installed between the fence and the sidewalk to soften visual impacts.

The grade level of the portion of the wall located in front of the home is at most about 1' higher than the public sidewalk. The wall facing Wright Avenue contains bedroom windows which the applicant wishes to screen from noise and for privacy. However, the wall of the home that directly faces Homestead Road does not contain any windows and is set back 12' from the back edge of the sidewalk.

In order to meet the required findings, staff recommends the project be amended. Staff recommends conditions of approval requiring a modified design. Condition of Approval #3A requires the applicant to either construct the proposed fence out of wood with 1' lattice on top and set back the fence a minimum of 4' to 6' from the sidewalk and install landscaping, or maintain the existing landscaping, in the space between; or, to locate the concrete and stucco wall in front of the home (facing Wright Avenue) as proposed, but extend from the south wall of the home so that the area that would be enclosed would only be the area immediately adjacent to the bedroom windows facing Wright

Avenue. The latter would still meet the privacy and noise reduction needs of the applicant while maintaining the existing landscaping and streetscape along Homestead Road (similar to the permit issued for 1002 W. Homestead Road).

Findings and General Plan Goals: With the project revision pursuant to the recommended conditions, staff would be able to make the required Findings. Recommended Findings and General Plan Goals are located in Attachment A.

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

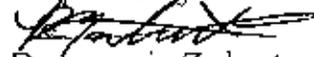
Alternatives

1. Approve the Use Permit with the attached conditions and revisions.
2. Approve the Use Permit with modified conditions of approval.
3. Deny the request for a Use Permit.

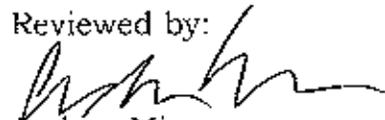
Recommendation

Alternative 1

Prepared by:


Rosemaric Zulueta
Project Planner

Reviewed by:


Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Use Permit Justifications from the Applicant
- E. Site Photos
- F. Approved Plans for 1002 W. Homestead Road

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

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.

Policy C1.1 – Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

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. *[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 6' in the reducible front yard. With the recommended conditions to either construct the proposed fence/wall out of wood and to set the proposed fence/wall back 4' from the south property line; OR to relocate the proposed wall so that the existing landscaped area could be maintained, the project 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 modify the proposed design 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

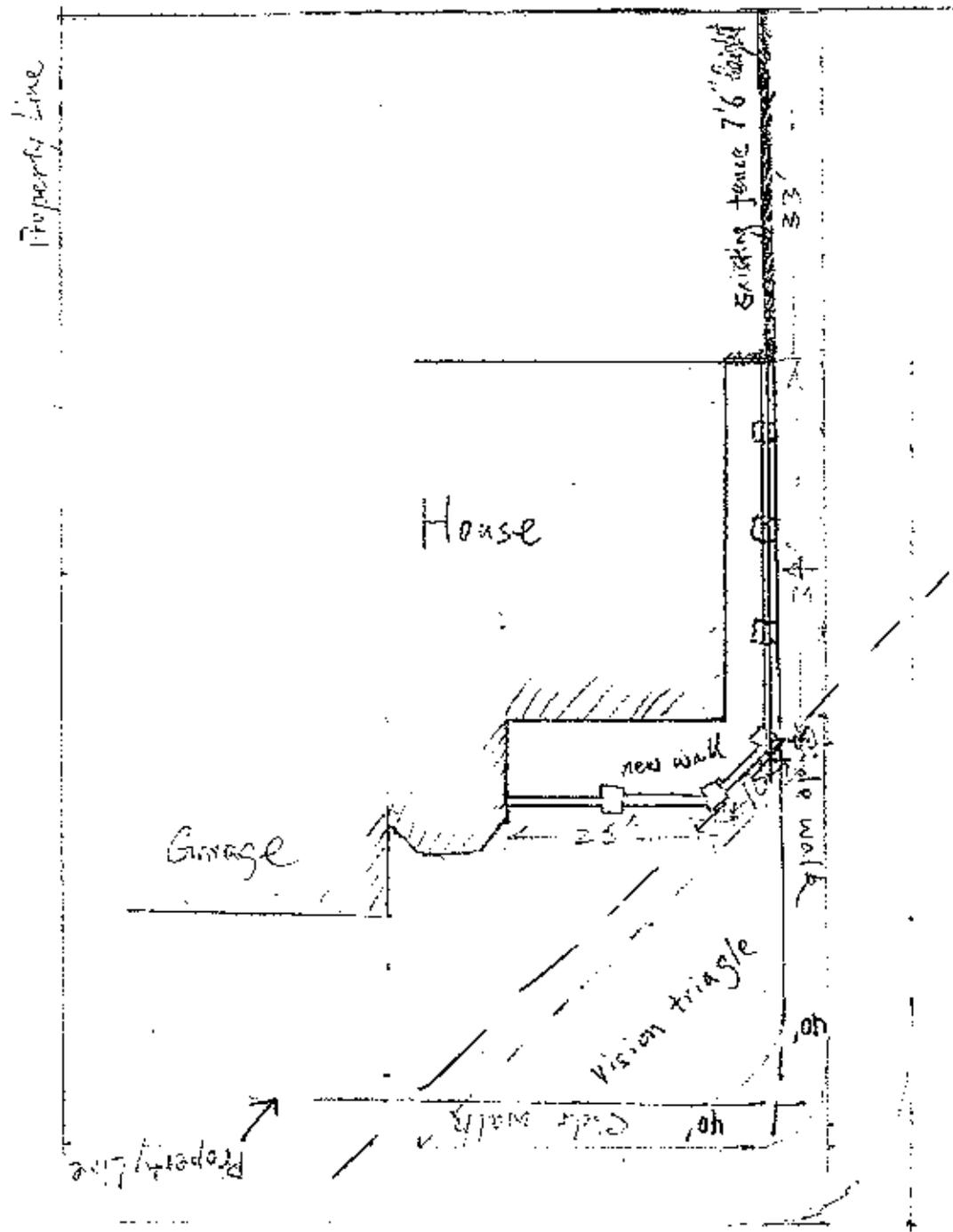
- A. Obtain Building Permits as required.

3. FENCES

- A. The proposed 7'-6" fence (as measured from top of nearest curb) in the reducible front yard shall be constructed of wood with a minimum of 1' of lattice on top, and set back a minimum of 4' to 6' from the back edge of the sidewalk. Trees, bushes, or other tall landscaping shall be planted and maintained in the area between the fence and the sidewalk; OR,

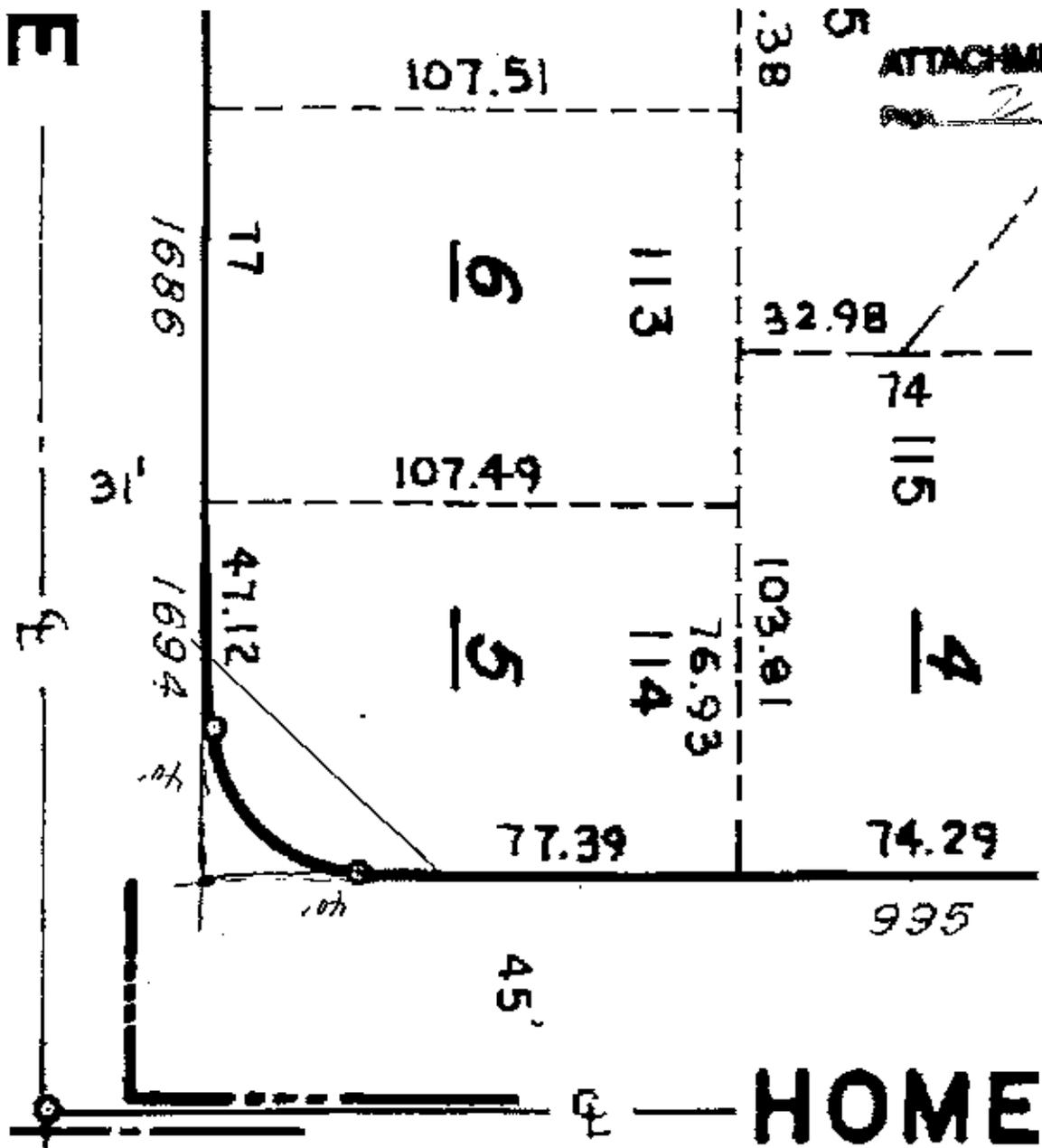
The proposed wall (concrete with stucco and painted to match main house) shall extend forward (towards Wright Avenue) from the south wall of the home (set back 12' from south property line) to enclose only the area in front of the bedroom windows facing Wright Avenue. The wall shall not exceed 6' in height, as measured from the interior grade, and shall not exceed 7'-6" in height as measured from top of nearest curb. Landscaping along the reducible front yard along W. Homestead Road shall be maintained.

B. Landscaping and final fence/wall design shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.



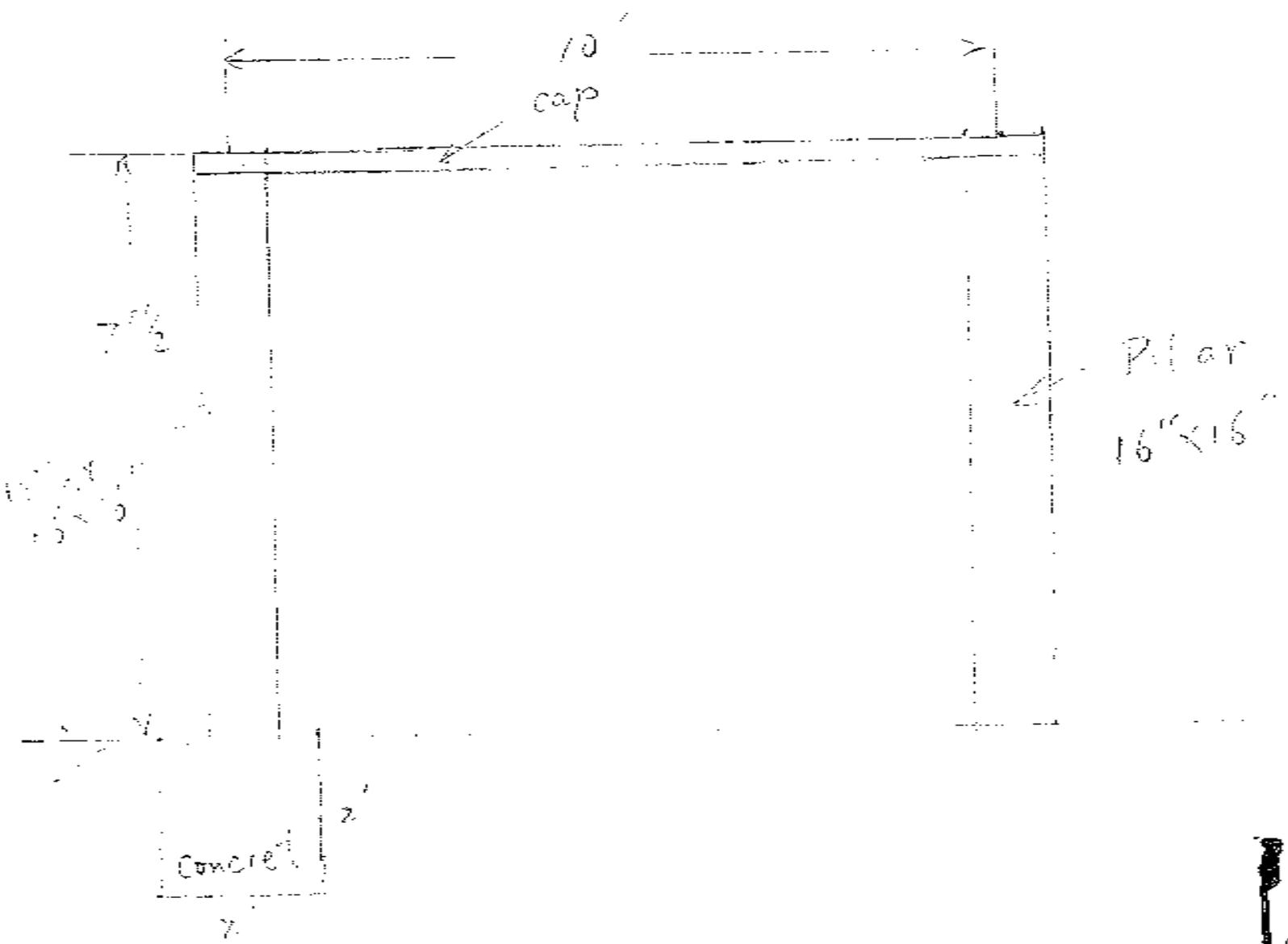
ATTACHMENT

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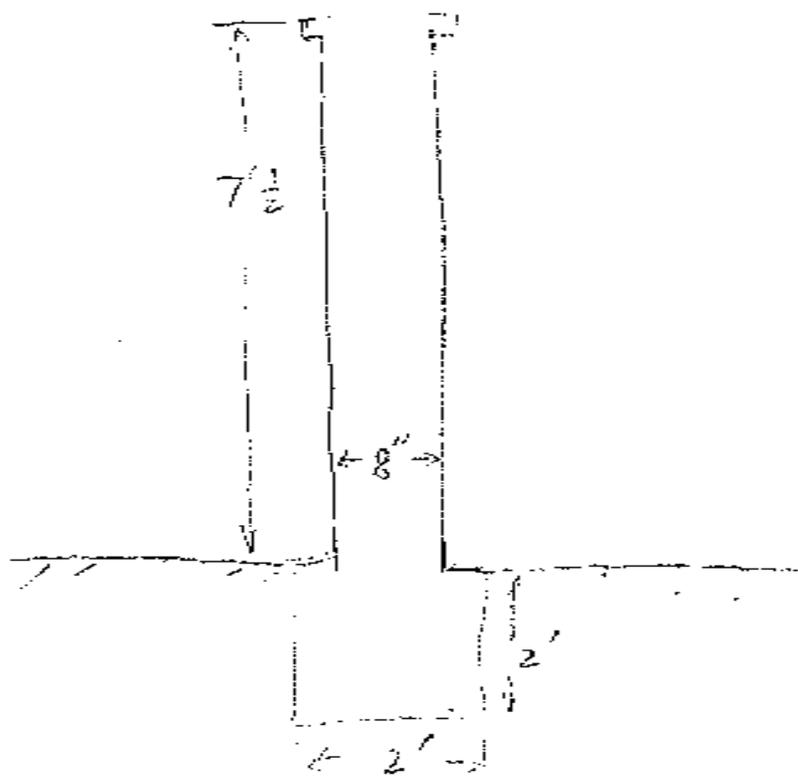


HOME

1694 Wright Avenue



ATTACHMENT
 5



The wall will be stuccoed with caps on top. The wall will have 16x16 pillars every 10 feet.

The wall will be painted the same color as the house.

ATTACHMENT C
Page 4 of 5



ENT C
S

- Legend**
- parcels
 - streets_County
 - cityboundary
 - Color3inWest.sid
 - Color3inEast.sid
 - Color3inMid.sid



USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

- 1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ...

Our house is a corner house w/ traffic light on the street. It is noisy and we would like to build the concrete fence to reduce noise.

OR

- 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 as ...

We designed the wall in a way that will not block the vision triangle and is compliant w/ the building guideline. We also will paint the wall the same color as our house.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.



1694 Wright Avenue

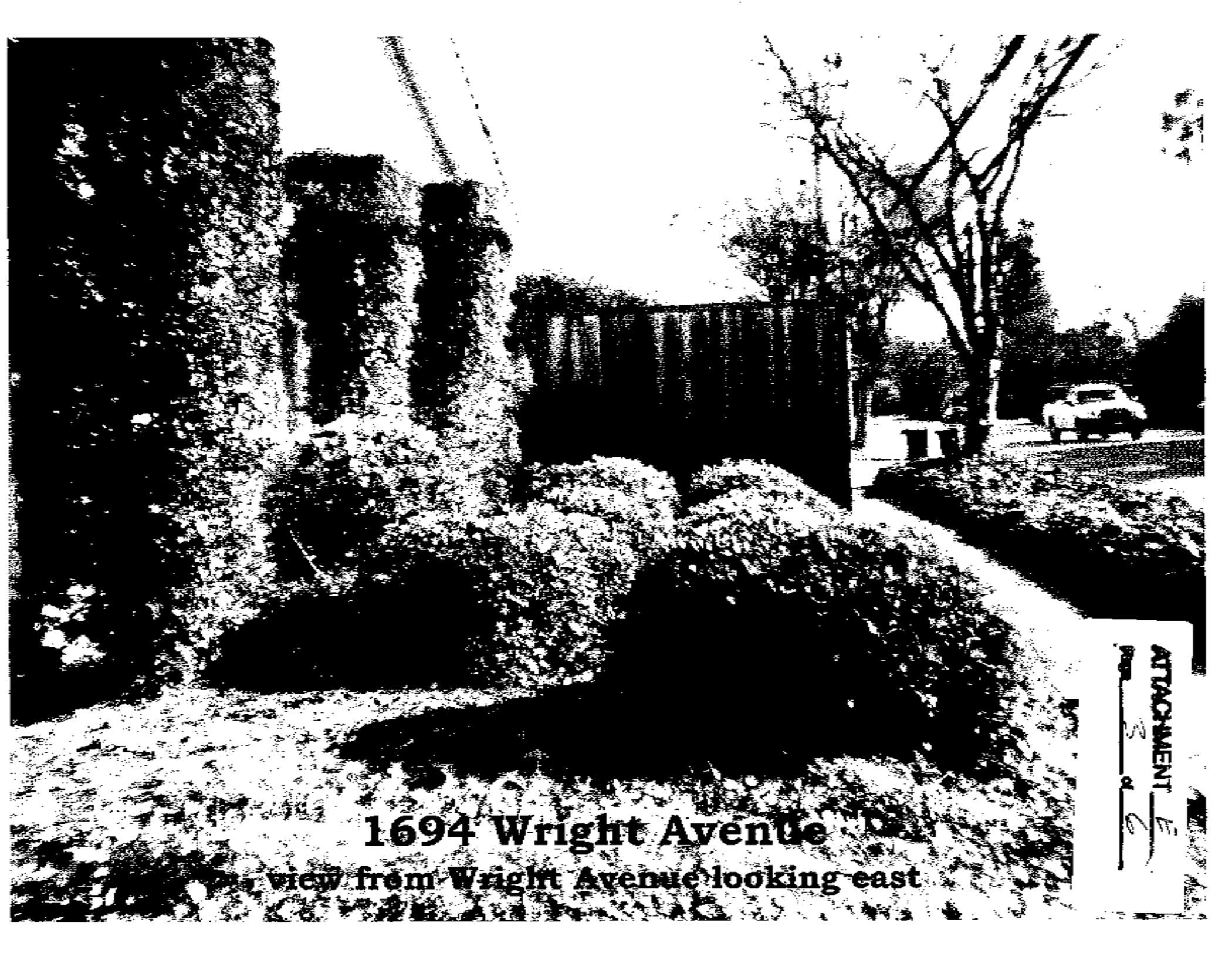
1694 Wright Avenue looking east

ATTACHMENT E
Page 1 of 1



1694 Wright Avenue
View from Wright Avenue looking east

ATTACHMENT E
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1694 Wright Avenue

view from Wright Avenue looking east

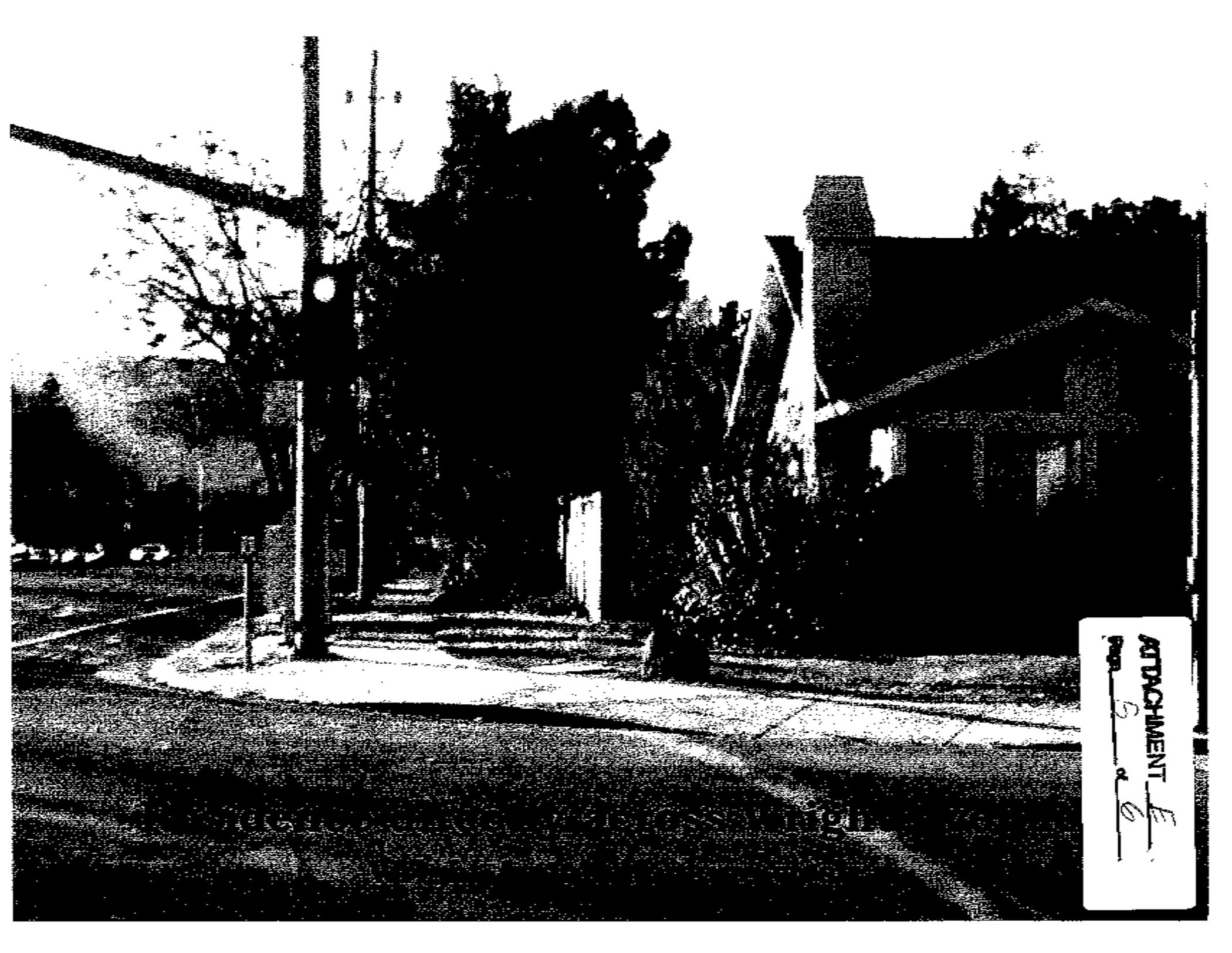
ATTACHMENT 11
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1694 Wright Avenue

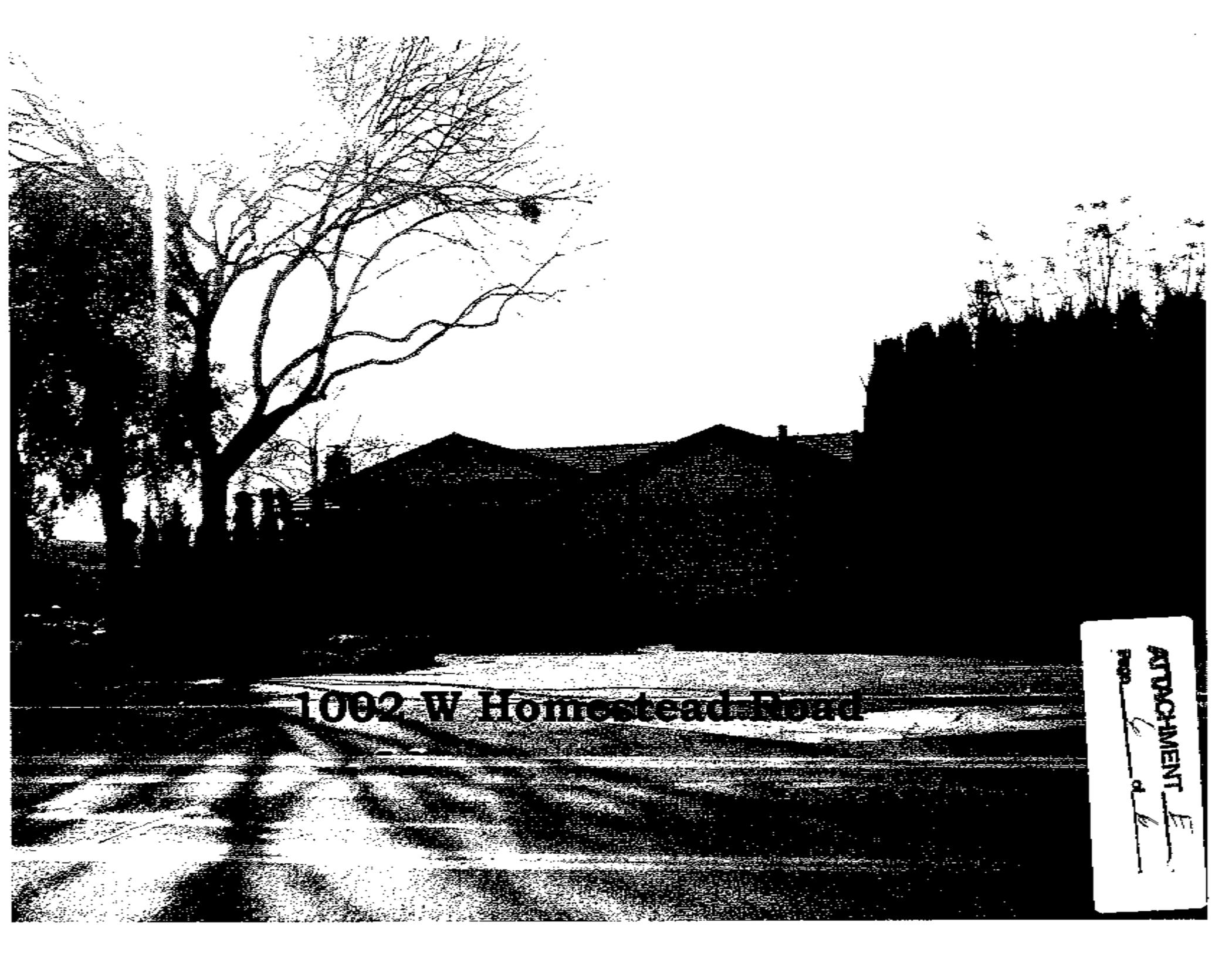


W Homestead Road

ATTACHMENT E
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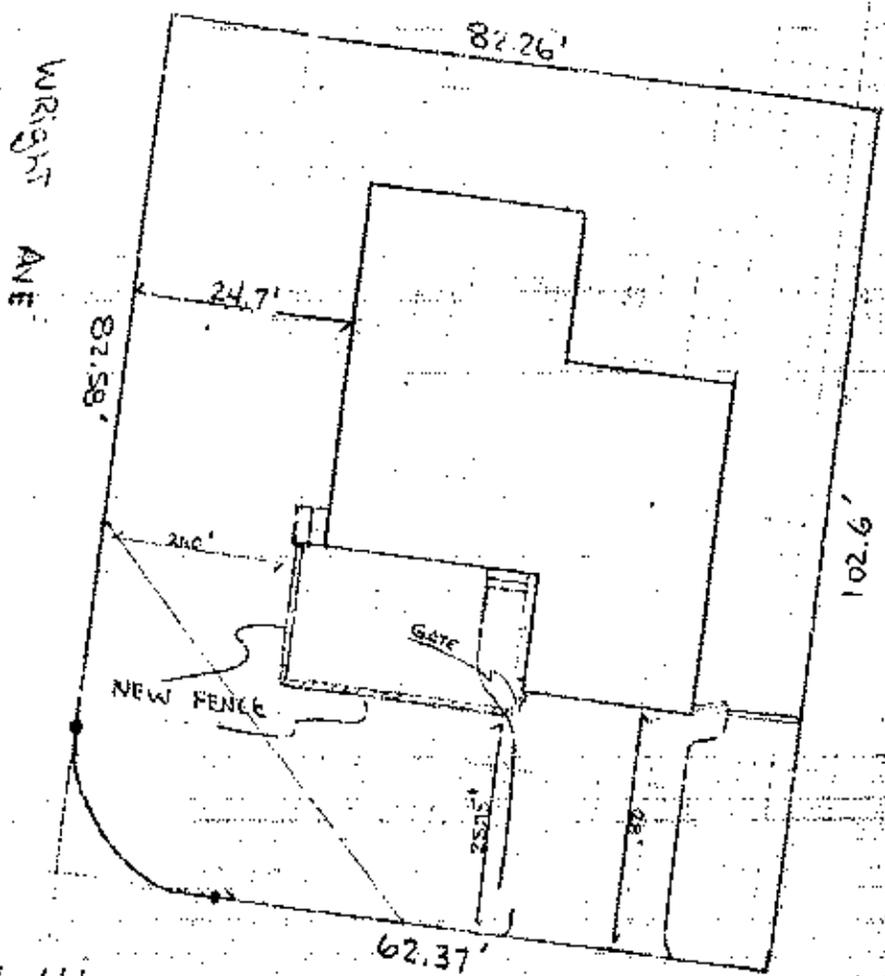
ATTACHMENT E
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1002 W Homestead Road

ATTACHMENT E
Page 6 of 6

PLOT PLAN
Scale 1" = 16.0'

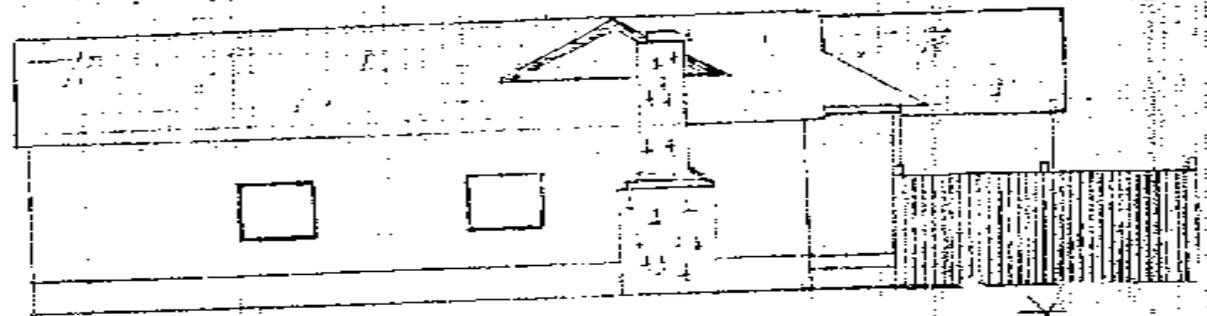


Proposed Fence 6' high as indicated.
CIRKLE CREEK RESIDENCE
1002 W HONOLULU RD.
OWNERS INSTALLED RD.
VALUAT \$ 250,000
INSTALLED 1997 COMPLETE BY JUNE 1991

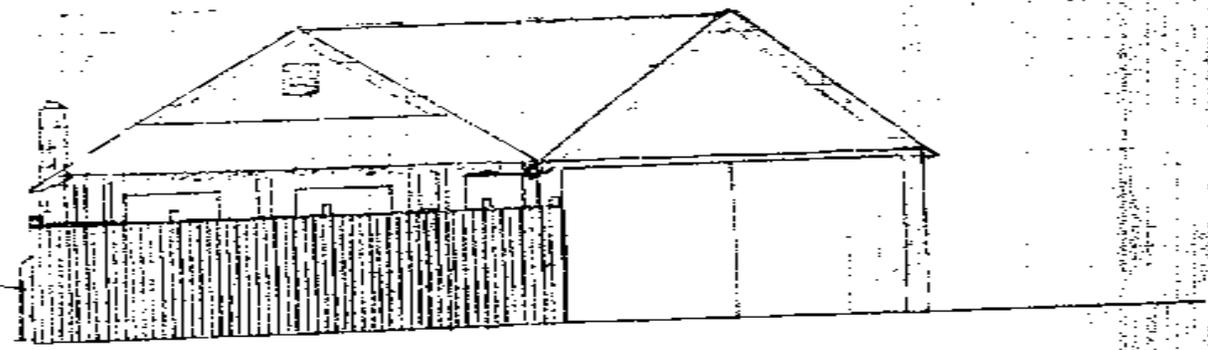
HOMESTEAD RD.

P10

ATTACHMENT F



EAST ELEVATION



NORTH ELEVATION

* Solid wood Fence - All framing on inside

Proposed Fence 6' high
BONE CREEK RESIDENCE
1002 W. HUNTERDALE RD
DUNCAN, MONTANA
CONSTRUCTION COMPLETE BY JUNE 1981
DRAWN BY R.C.