



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

November 25, 2009

File Number: 2009-0545

Permit Type: Use Permit

Location: 1133 Strawberry Court (near Templeton Drive) (APN: 202-08-036)

Applicant/Owner: Gwen Cossoul

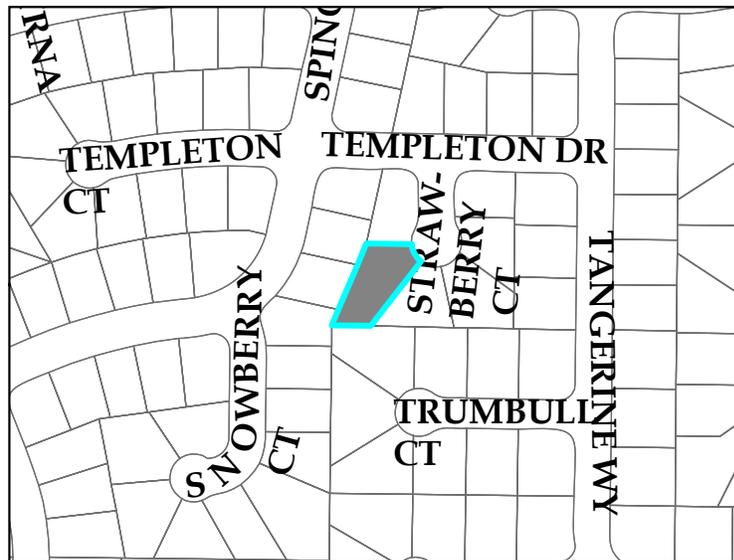
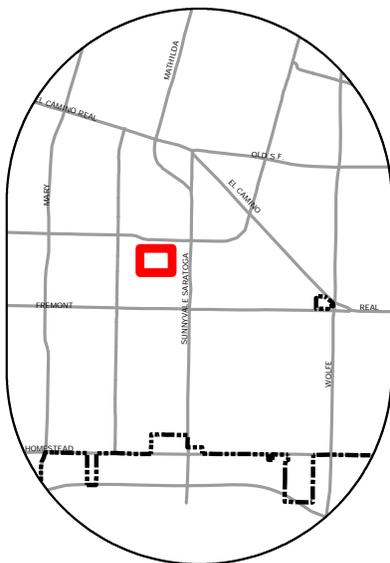
Staff Contact: Ryan Kuchenig, Associate Planner (408) 730-7431

Project Description: Application for a Use Permit to allow up to a 9 ft. tall front yard fence.

Reason for Permit: A Use Permit is required for fences that exceed 7 ft. in height in the front yard.

Issues: Visual Impact

Recommendation: Denial



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Density	Same
Zoning District:	R-1	Same
Fence Height:	Up to 9 ft. (unpermitted)	Varies, 9 ft max.

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints: In June of this year, the Neighborhood Preservation Division notified the property owner that a permit was required for the fence that was built on the property. An application for a Miscellaneous Plan Permit was subsequently filed and modified to a Use Permit after it was determined that fence is greater than 6' as measured from top of the public curb.	
Deviations from Standard Zoning Requirements	No

Fence Design & Layout: The subject property is a cul-de-sac lot. The proposed fence which has already been built is a board-on-board wood design. The fence ranges from 6 feet at portions closest to the home to up to 9 feet at the front property line. Since the fence is currently built within the required 10-foot driveway vision triangle, the applicant has planned to relocate the fence outside this area. (See Site Plan in Attachment B.) The fence runs almost parallel to the driveway and creates a private front yard area in front of the home. The fence height matches the height of a fence on a neighboring property which runs along the rear and side (along street side) property lines at 594 Templeton Drive.

Visual Impacts: The fence, as it currently is designed and located, dominates the visual appearance of the property from the street. The fence would block the view of approximately 50% of the front of the home. The front yard would be divided into two separate yards with one containing a driveway and small landscaped area that would remain visible and one with a larger landscaped area that is blocked from view. Some small plantings and lawn area would remain in front of the fence. (Site photos are provided in Attachment D.)

Public Contact: 11 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

Environmental Determination: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include accessory structures such as fences.

FINDINGS

In order to approve the Use Permit the following findings must be made:

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

Eichler Design Guidelines

3.5.4: *Integrate fencing with the housing style*

Fences that are 6 feet or more in height are required to be set back a minimum of 15 feet from the front property line.

The proposed fence does not comply with this recently adopted Eichler Design Guideline. If the fence is approved, staff is recommending the fence be constructed at 4 feet at the current location or be redesigned to the minimum standard of 6 feet and located 15 feet from the front property line as stated in the above guideline. **Staff was not able to make the finding as the proposal does not meet the guideline described above.**

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 the orderly development of, or the existing uses being made of, adjacent properties.

As it is currently designed, the fence blocks the majority of the front yard and a significant portion of the home from the street. Approval of the current fence design and layout could set a precedent for proposals on similar properties in Eichler style neighborhoods. If approved, staff has included conditions of approval that improve the overall streetscape of the site and enable a private useable yard for the resident. **Staff was not able to make the finding.**

ALTERNATIVES:

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

RECOMMENDATION

Alternative 3. Deny the Use Permit.

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: **Ryan Kuchenig**, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Use Permit Justifications Provided by the Applicant
- D. Site Photos
- E. Aerial View of Property

Standard Requirements

The following is a list of standard requirements. This list is intended to assist the applicant and public in understanding basic related requirements, and is not intended as an exhaustive list. These requirements cannot be waived or modified.

1. **Permit Expiration:** The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
2. **Permit Lapse if not Exercised (Ordinance 2895-09):** The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
3. **Building Permits:** Obtain Building Permits.

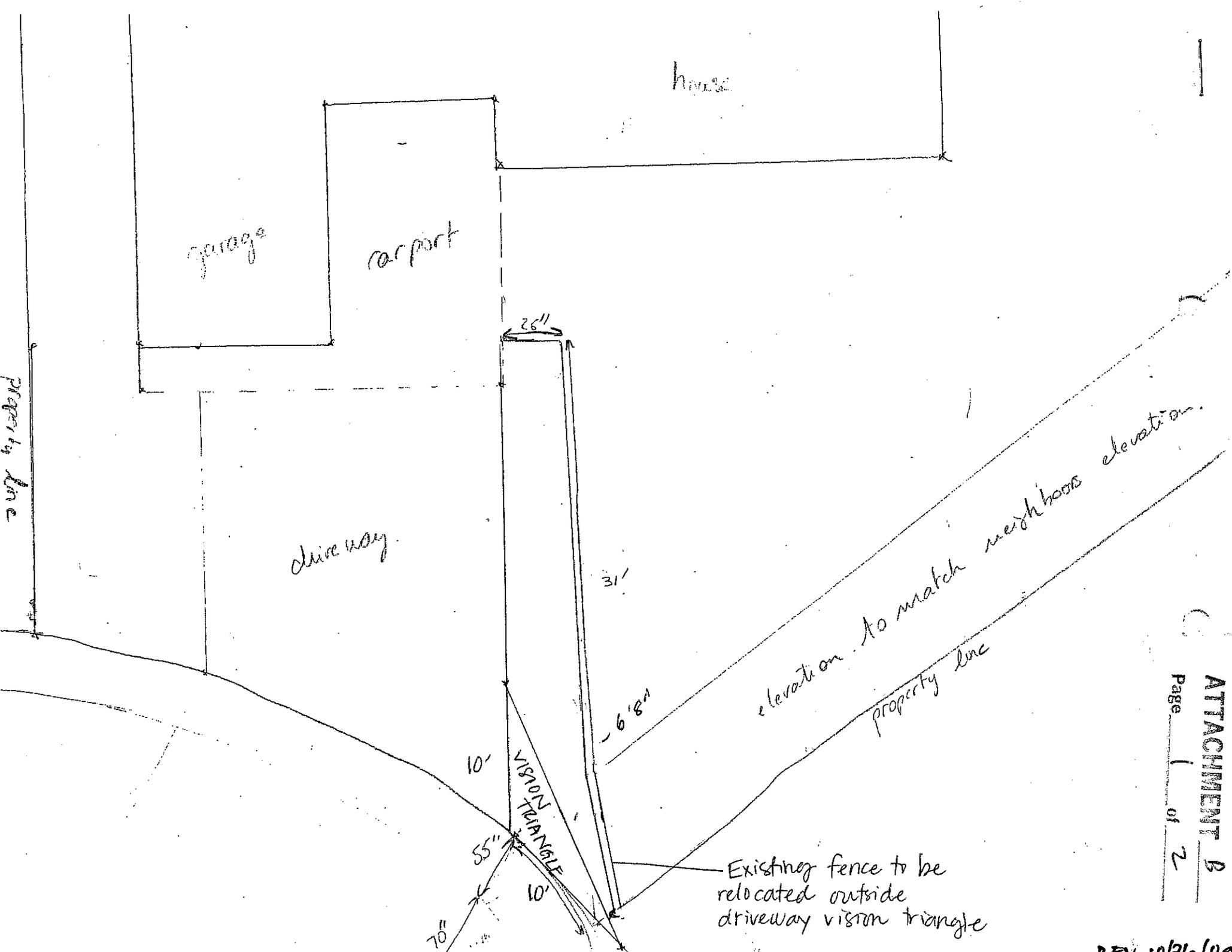
Recommended Conditions of Approval

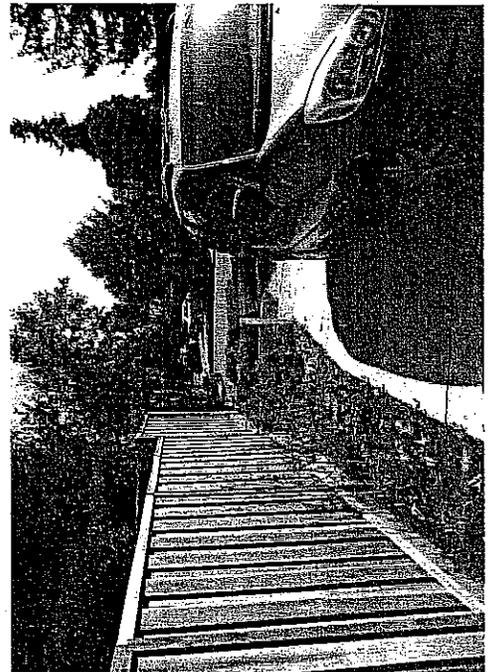
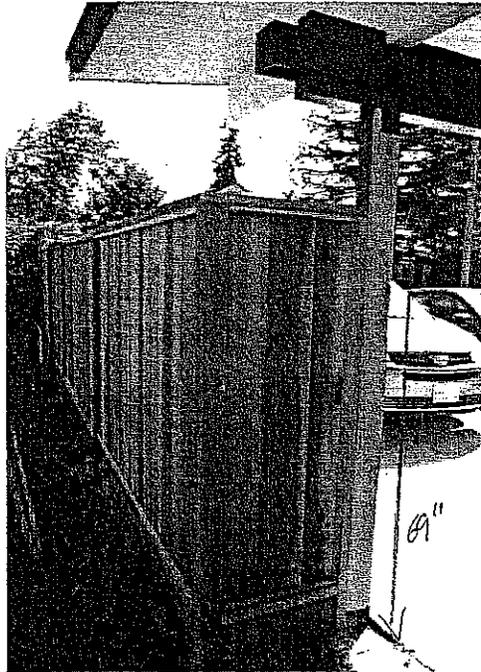
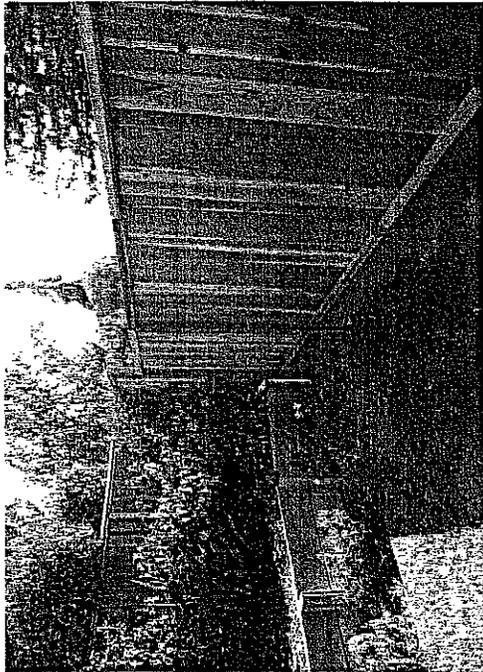
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. **Project Conformance:** 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.
 - a. The fence shall be reduce to 6 feet high and relocated to no more than 15 feet from the front property line.

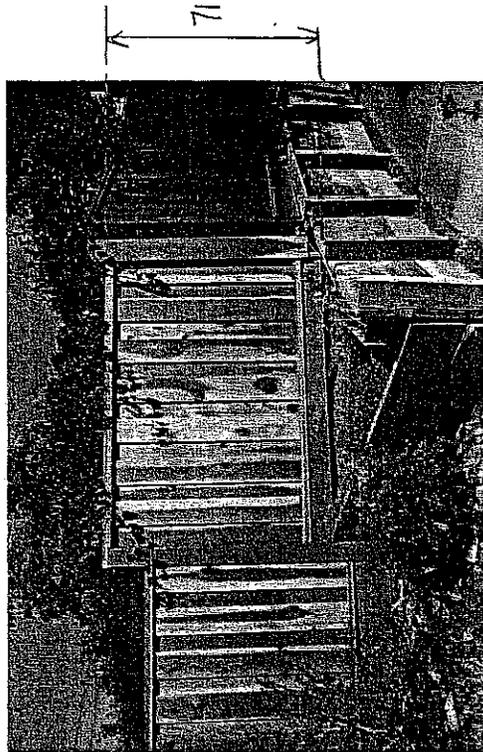
OR

 - b. The fence shall not exceed a height of 4 feet at any point, as measured from the highest finished grade, at its proposed location.
2. **Conditions of Approval on Plans:** The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.





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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 ...

OR

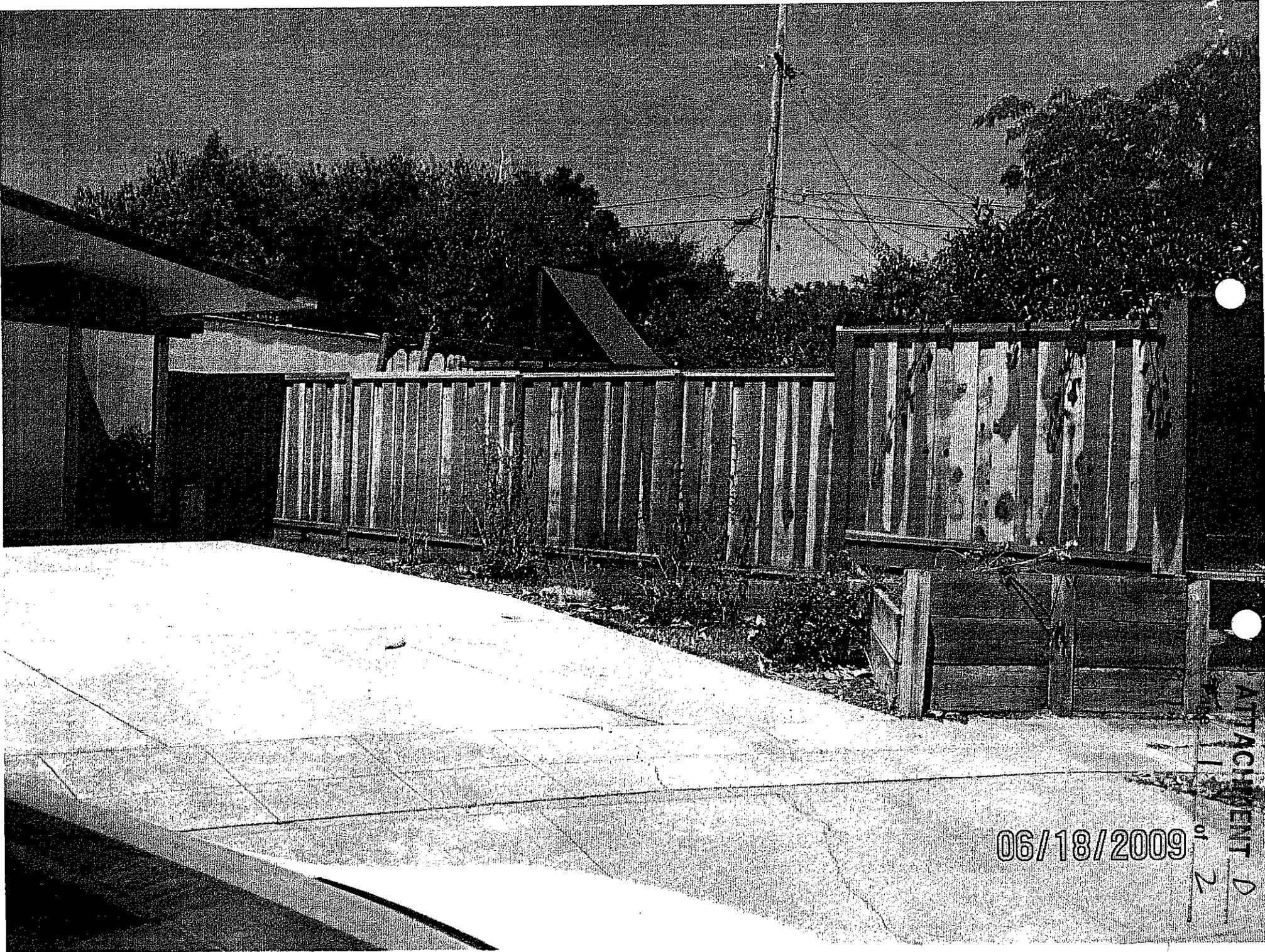
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ...

- vision triangle will ensure the safety of pedestrians
- fence is the same style as neighborhood fences.
- lower height than next door neighbor's fence
- do not see the fence from the street unless you are almost engaged in the court/driveway.

Thanks for your consideration!

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

06-18-2009 1133 STRAWBERRY COURT 06



06/18/2009

ATTACHMENT D
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ATTACHMENT
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