



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

January 12, 2011

**File Number:** 2010-7848

**Permit Type:** Use Permit

**Location:** 1079 Syracuse Drive (near Elderberry Drive) (APN: 202-35-015)

**Applicant/Owner:** Gerard Davies

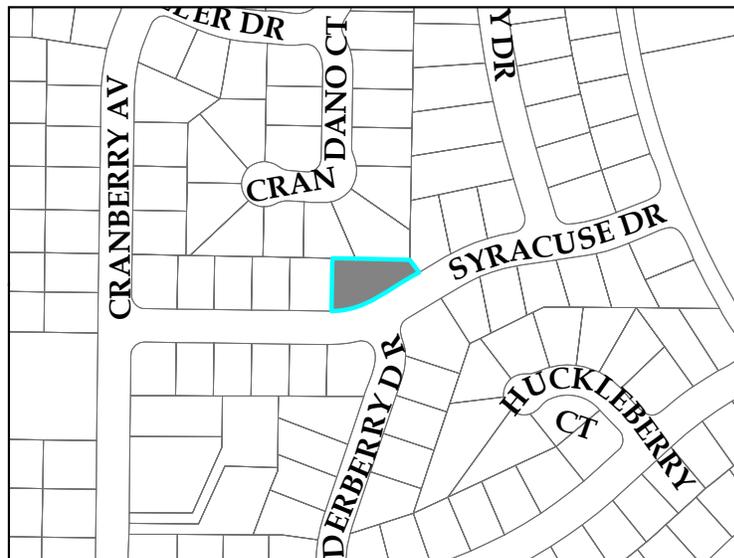
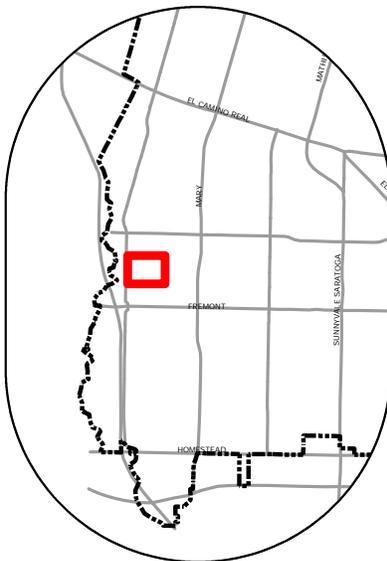
**Staff Contact:** Mariya Hodge, Associate Planner, (408) 730-7659

**Project Description:** To allow a fence up to 8 feet tall in the required front yard at a single-family residence.

**Reason for Permit:** A Use Permit is required for fences exceeding 6 feet in height in the front yard.

**Issues:** Neighborhood compatibility, aesthetics, height

**Recommendation:** Approve with Conditions



500

Feet

**PROJECT DESCRIPTION**

Zoning District:	R-1	Existing Fence Height:	7' max.
Fence Setback:	15'	Proposed Fence Height:	8' max.

Previous Planning Projects related to Subject Application	<b>No</b>
<b>Neighborhood Preservation Complaints</b> In September 2010, the Neighborhood Preservation Division received a complaint regarding a dilapidated fence in the front yard of the subject property and sent a compliance letter to the property owners requiring repair or replacement. In response to the Neighborhood Preservation action, the property owners filed a Use Permit to allow replacement of the existing fence with a taller fence in the same location.	<b>Yes</b>
Deviations from Standard Zoning Requirements	<b>No</b>

**Fence Design and Location:** The subject property has a unique orientation and shape (see Attachment B – Site and Architectural Plans). The property is located along a curve in Syracuse Drive, and although it is not located on the corner of two intersecting streets, its shape is more similar to a corner lot than to an interior lot. The front property line is curved and approximately 180 feet long, the west side property line is 100 feet long, and the east side property line is only 30 feet long.

The existing fence in the front yard is located between the east side of the house and the east property line, with a setback of approximately 15 feet from the property line. The existing fence consists of wood boards varying from 5 feet 5 inches to 6 feet in height as measured from the adjacent grade. The property's grade along the fence line varies from 3 inches to 1 foot above the top of the adjacent street curb, resulting in a total existing fence height ranging from 5 feet 8 inches to 7 feet as measured from the top of the curb. Tall landscaping is located in front of the existing fence (see Attachment D – Site Photographs).

The applicant proposes to replace the fence in its original location with an increased height. The proposed fence will consist of 6 feet of wood boards topped with 1 foot of lattice, resulting in a height of 7 feet as measured from the adjacent grade. Combined with the slope of the property's front yard, this will result in a total height of up to 8 feet as measured from the top of the adjacent street curb. The proposed fence will continue to be set back approximately 15 feet from the front property line and the existing landscaping in front of the fence will be retained. The applicant states the replacement of the fence will occur in two phases for financial reasons (see Attachment C – Applicant's Project Description and Justifications). In Phase 1, to begin immediately, the applicant will remove the existing fence to comply with the

ongoing Neighborhood Preservation action and will replace it with the proposed fence for a distance extending 66 feet inward from the east side property line. In Phase 2, to be completed 1 to 2 years later, the fence will be extended a further 20 feet (see Attachment B – Site and Architectural Plans) along with re-landscaping of the yard. Staff notes that Phase 2 will need to be completed within the 3-year validity period of the Use Permit or a new Use Permit will be required (see Attachment A – Condition of Approval #GC.3).

**Neighborhood Compatibility:** The neighborhood is generally characterized by open front yards, with some taller reducible yard fences. Fences extending from the sides of the homes to the side property lines are common in the neighborhood. The proposed fence will be consistent with the pattern of these existing fences as it will provide rear and side yard privacy and the majority of the front of the home will be visible from the street.

**Public Contact:** 12 notices were sent to surrounding property owners and residents in addition to standard noticing practice. No comment letters were received. One neighboring resident visited the One Stop counter to review plans and phoned staff to confirm the proposed height and setback. After reviewing the information the neighbor stated he was comfortable with the proposal.

**Environmental Determination:** A Categorical Exemption Class 3 (accessory structures) relieves this project from CEQA provisions.

## **FINDINGS**

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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.

There is one related policy in the **Single Family Home Design Techniques**:

- 3.11.G. Fencing along front property lines and along side property lines within front yard setback areas should not exceed 3 feet in height. . . 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.

**Due to the property's unique shape and orientation, the eastern portion of the front yard functions similarly to a reducible front yard on a corner lot rather than to a required front yard. In compliance with the Single Family Home Design Techniques, the proposed fence will consist of wood boards topped with a wood lattice to soften the appearance of the fence. Although the proposed height is greater than**

**the height encouraged in the Design Techniques, the fence is set back significantly from the street and is screened with tall landscaping. As a result, the proposed fence meets the intent of the guidelines and is not expected to have a negative impact on the streetscape or surrounding properties. Staff is able to make the required finding 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.

**The proposed fence will be in the same location as the existing fence with a similar design. Although the proposed height is greater than the existing height, the fence is set back significantly from the street and is screened with tall landscaping. Furthermore, the unique orientation and shape of the property limit the property owner's options for security and for privacy in the side and rear yards. The eastern portion of the front yard appears more similar to a reducible front yard than to a required front yard, and the proposed fence is consistent with the design of reducible front yard fences permitted in the neighborhood and throughout the City. The proposed fence is also consistent with the design and location of side yard fences common in the surrounding neighborhood. Based on the design, location, and unique property orientation, the proposed fence is not expected to have a negative impact on the streetscape or surrounding properties. Staff is able to make the required finding above.**

## **ALTERNATIVES**

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

**RECOMMENDATION**

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Alternative 1. Approve the Use Permit with recommended Conditions in Attachment A.

Reviewed by:



Shaunn Mendrin  
Senior Planner

Prepared By: Mariya Hodge, Associate Planner

**Attachments:**

- A. Conditions of Approval and Standard Requirements
- B. Site and Architectural Plans
- C. Applicant's Project Description and Justifications
- D. Site Photographs

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
JANUARY 12, 2011**

Planning Application **2010-7848**  
1079 Syracuse Drive

Use Permit to allow a fence up to 8 feet tall in the required front yard at a single-family residence.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION  
All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. USE EXPIRATION:

The approved Use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] [PLANNING]

GC-3. PERMIT EXPIRATION (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. [SDR] [PLANNING]

**GENERAL NOTES**

LBC, (1997 EDITION) UPC, UMC, (2000 EDITION) • NEC (1999 EDITION) AND CBC, CMC, CPC, CEC (2001 EDITION)  
GENERAL CONDITIONS

THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH ROAD'S HOUSE ARCHITECTURAL WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE. THIS OFFICE SHALL BE NOTIFIED OF ANY VARIATIONS FROM DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS.

TYPICAL DETAILS SHALL APPLY WHERE NO SPECIFIC DETAILS OR SECTIONS ARE GIVEN.

NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.

MATERIAL NOTES AND SPECIFICATIONS ON DRAWINGS SHALL TAKE PRECEDENCE OVER THE SPECIFICATIONS.

CONTRACTOR SHALL REVIEW ALL NOTES FOR APPLICABILITY TO THIS PROJECT. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IN A TIMELY MANNER. IF THERE IS A QUESTION - ASK.

FRAMING CONDITIONS NOT SPECIFICALLY SHOWN SHALL BE FRAMED SIMILAR TO TYPICAL DETAILS FOR SIMILAR CONDITIONS.

CONTRACTOR SHALL VERIFY THE SIZE AND LOCATION FOR ALL REQUIRED OPENINGS THROUGH CONSTRUCTION WITH ALL OTHER CONTRACTORS INCLUDING BUT NOT LIMITED TO HEATING/VENTILATION/ACR CONDITIONING (HVAC) CONTRACTOR, PLUMBING CONTRACTOR AND ELECTRICAL CONTRACTOR.

CONTRACTOR IS RESPONSIBLE FOR ALL TEMPORARY BRACING AND SCAFFOLDING DURING CONSTRUCTION.

TRADE NAMES AND MANUFACTURER NAMES REFERRED TO ARE FOR QUALITY STANDARDS ONLY. EQUIVALENT SUBSTITUTIONS MAY BE PERMITTED AFTER SUBMITTAL TO ARCHITECT OF MATERIAL CUT SHEETS, BROCHURES, SPECIFICATIONS, ETC., FOR PROPOSED SUBSTITUTION.

CONTRACTOR SHALL ADVISE OWNER, PRIOR TO COMMENCEMENT OF WORK, OF THE EXTENT OF ALL ANTICIPATED DAMAGE TO LANDSCAPE, IRRIGATION, DECORATION, FINISHES, ETC., WHICH IS ADJACENT TO THE CONSTRUCTION AREA. CONTRACTOR SHALL PROTECT FROM DAMAGE ALL ITEMS TO REMAIN INTACT.

CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY HAVING JURISDICTION OVER THE WORK.

ALL WORK SHALL BE IN STRICT CONFORMANCE WITH THE LBC, (1997 EDITION) UPC, UMC (2000 EDITION), NEC (1999 EDITION) AND CBC, CMC, CPC, CEC (2001 EDITION).

**SITE DRAINAGE**

BUILDING PADS SHALL HAVE A DRAINAGE GRADIENT OF 1% TOWARD APPROVED DRAINAGE FACILITIES PER EXCEPTION UBC 311.5.4

**FENCES IDENTIFICATION**

APPROVED NUMBERS OR ADDRESSES SHALL BE PROVIDED FOR ALL NEW BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.

**AREA CALC LEGEND**



*not in scope: for reference only*

**PROJECT THE DAVIES RESIDENCE**

1079 SYRACUSE DR. SUNNYVALE, CA. 94087

OWNER: GED & LUCY DAVIES  
OWNER PROJECT ADDRESS: 1079 SYRACUSE DR. SUNNYVALE, CA. 94087  
OWNER PHONE NUMBER: 408-335-8400  
ARCHITECT FIRM NAME: ROAD'S HOUSE ARCHITECTURAL  
ADDRESS: 1200 5th St, Sunnyvale, CA 94087  
PHONE: 408-517-0800  
FAX: 408-517-0833  
E-MAIL: rha@roadshouse.com  
WEBSITE: www.roadshouse.com

**AREA CALCULATIONS**

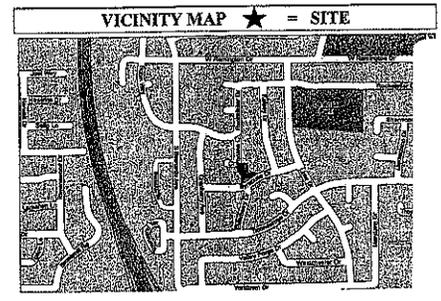
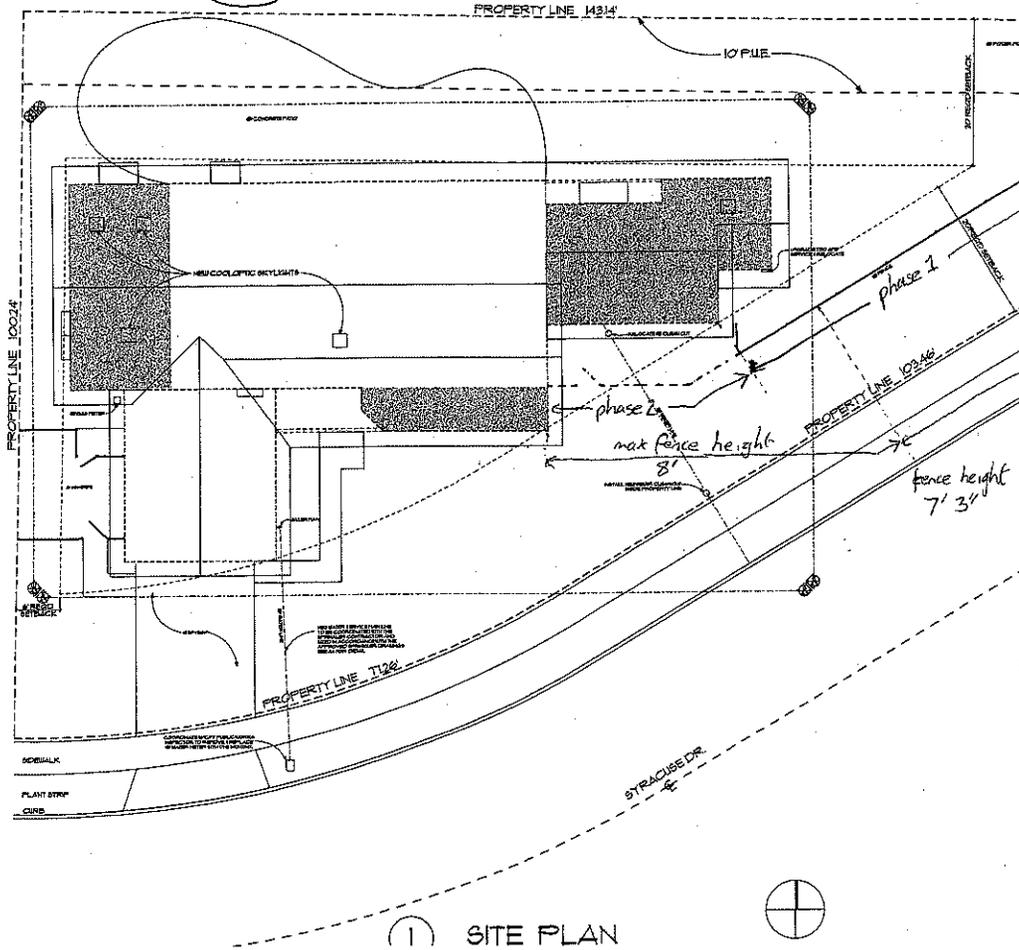
SF of SR#	ALLOWABLE SF#	ALLOWABLE LOT COVERAGE	FLOOR AREA		LOT COVERAGE	
			EXISTING	PROPOSED	EXISTING	PROPOSED
1ST FLOOR (FR OCCUPANCY)	45%	45%	1468.68 SF	1468.68 SF	32.4%	32.4%
2ND FLOOR (FR OCCUPANCY)	45%	45%	0 SF	0 SF	0.0%	0.0%
GARAGE	45%	45%	483.63 SF	483.63 SF	10.7%	10.7%
COVERED PORCHES	20 SF	20 SF	75.35 SF	75.35 SF	1.7%	1.7%
DETACHED STRUCTURES	0 SF	0 SF	0 SF	0 SF	0.0%	0.0%
<b>TOTALS PROPOSED</b>			<b>2027.66 SF</b>	<b>2027.66 SF</b>	<b>44.8%</b>	<b>44.8%</b>

**SHEET INDEX**

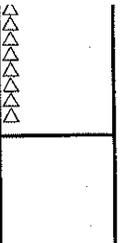
- T GENERAL NOTES, SITE PLAN, AREA CALC, PROJECT DATA, SHEET INDEX
- CD BLUEPRINT FOR A CLEAN BAY
- A1 SITE PLAN
- A2 FLOOR PLANS
- A3 ELEVATIONS
- A4 SECTIONS
- A5 CONCEPTUALS
- B1 ELECTRICAL & MECHANICAL PLAN
- B2 STRUCTURAL FOUNDATION FLOOR FRAMING PLAN
- B3 STRUCTURAL CEILING FRAMING/SHORING PLAN
- B4 STRUCTURAL ROOF FRAMING PLAN
- B5 STRUCTURAL FOUNDATION DETAILS
- B6 STRUCTURAL ROOF DETAILS
- T24 TITLE 24 ENERGY CALCULATIONS

LOT AREA 1200.49 sq ft  
RESIDENCE 1468.68 sq ft  
GARAGE 483.63 sq ft  
COVERED PORCHES 75.35 sq ft  
CONSTRUCTION AREA 2275.23 sq ft  
ADDED LIVING AREA 330.00 sq ft  
807.91 sq ft  
149.47 sq ft

*not in scope: for reference only*



① SITE PLAN

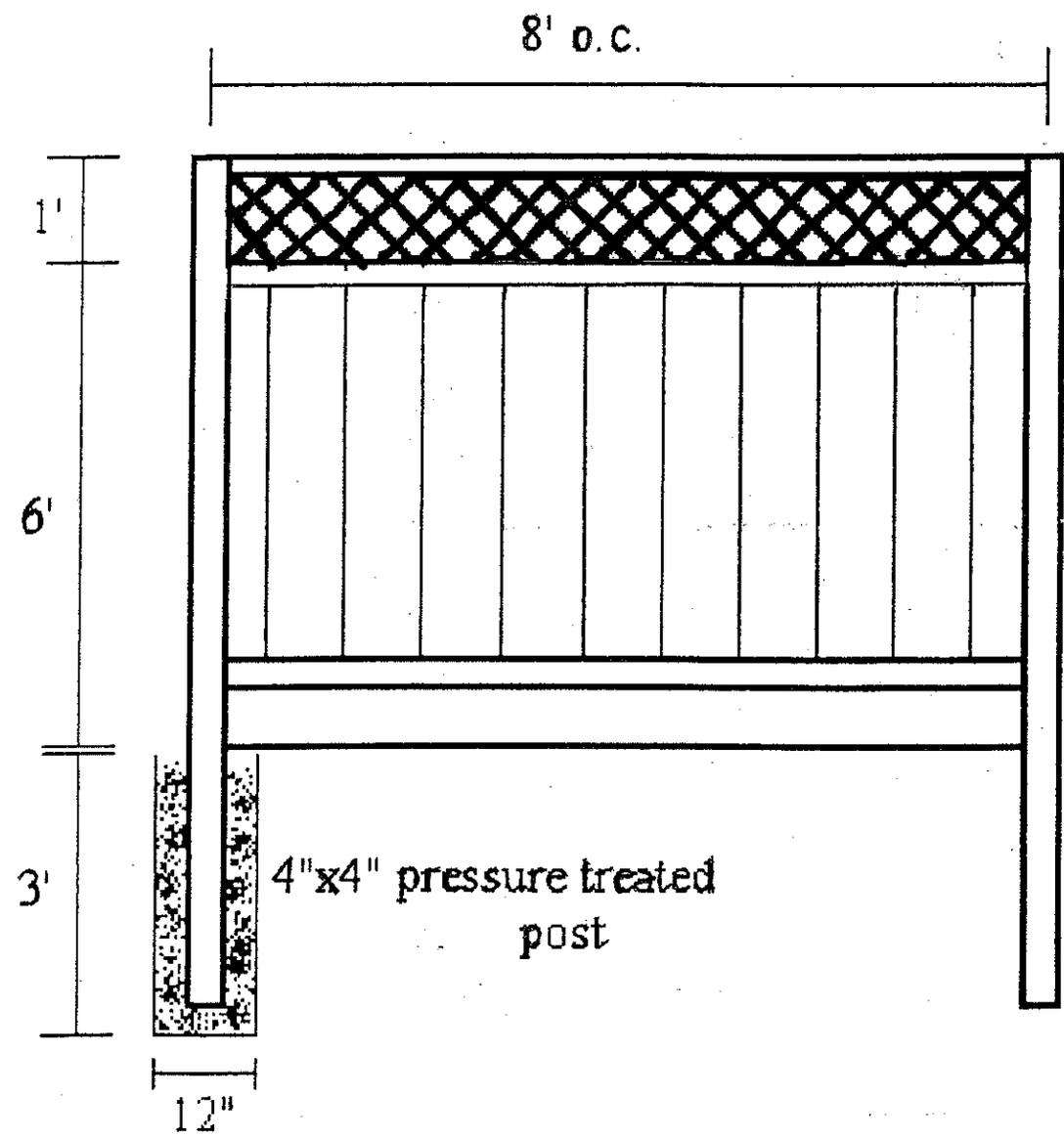


**HANSON CONSTRUCTION**  
GENERAL CONTRACTING  
P.O. BOX 2071 CURETINO, CA. 95015-2071  
P 408.517.0800 F 408.517.0833  
LIC.#151991 email: hanson@hansonct.com



THE DAVIES RESIDENCE  
1079 SYRACUSE DR.  
SUNNYVALE, CA. 94087

# Fence Elevation



Max height of fence 8' from top of curb

A permit is requested to replace the original 6' fence at 1079 Syracuse Driver. The old fence was built in 1957 and has become dilapidated. The property owner received a Neighborhood Preservation Association notice to repair or replace it.

The new fence will be functionally equivalent to the existing fence. It will be built along the original fence line and will meet the fence line of the neighboring property. The setback is 15 feet from the sidewalk.

Like the original, the new fence will be positioned behind mature oleander trees, a few feet in front of mature fruit trees.

Due to the curve in the street, the lot has an unusual shape. A full 20' setback would place the fence only 8 feet from the rear fence at one end of the lot. This would leave much of the rear yard unusable. It would also break the alignment with the neighboring fence and require the elimination of two fruit trees. A four foot fence, would give passers-by unobstructed views of the rear of the property, eliminating property-owner privacy. Both of these alternatives would detract from the appearance of the neighborhood. The proposed rebuild has the firm support of the immediately affected neighbor in #1075.

#### Detailed project description

The proposed fence will be built along the original fence line from the neighboring property, #1075 Syracuse, and connect to the house at #1079. A gate will be placed at the end where the fence meets the house. The fence will consist of 8" kick-board, 5' vertical boards and a 1' lattice separated by 2x4s. The total height will be approximately 7' above the ground.

Where the fence meets the neighbor's property line, the base of the fence is approximately 3" above the height of the curb. Where the fence meets the house at #1079, the base of the fence is approximately 1' above the height of the curb.

With the one foot lattice, the fence will conform to the style of other street-facing fences in the neighborhood, including the fences at #1076 and #1080 Syracuse, the two properties directly across the street.

The homeowner had planned to replace the fence as part of a larger landscaping project which has not yet been commissioned. In order to comply with the NPA order to repair or replace immediately, the fence rebuild will be implemented in two phases:

- In Phase 1, a 66' fence will be constructed from the #1075 property line to the house at #1079. The Phase 1 fence will be about 20' shorter than the original 1957 fence. At the end of Phase 1, the fence will have a permanent, finished appearance and will satisfy the requirements of the NPA.
- In Phase 2, the homeowner will extend the fence to cover the remainder of the original 1957 fence line. This second phase will be completed between August 2011 and February 2013.

Phase 2 is dependent upon the final landscaping plan. The landscape architect may conclude that phase 2 is unnecessary, in which case it will not be implemented.

#### Drawings

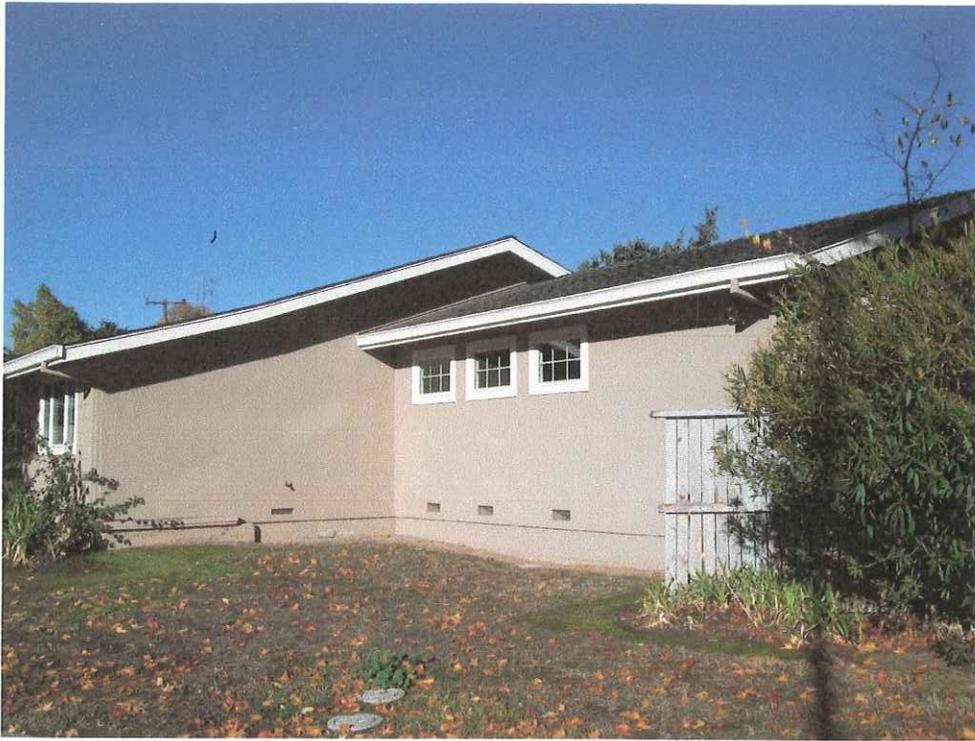
The attached site plan is a slightly modified version of the site plan submitted with a 2006 major remodel. The new front fence follows the line shown in the plan. The drawing has been modified to show the proposed phased fence build. The part of the fence shown with a broken line is the part that will constitute Phase 2. The unbroken lines represent Phase 1.



West side of subject property viewed from Elderberry Drive.



East side of subject property viewed from Elderberry Drive.



West side of existing fence and landscaping.



East side of existing fence and landscaping.