



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

May 16, 2012

**File Number:** 2012-7229

**Permit Type:** Use Permit

**Location:** 275 East Olive Avenue (near Carroll St.) (APN: 209-26-054)

**Applicant/Owner:** Mike Volking

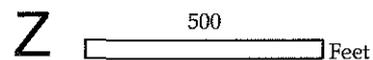
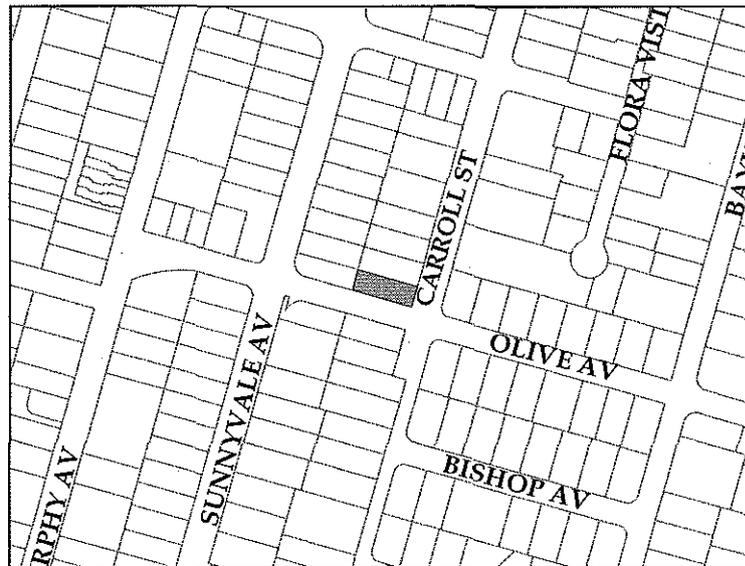
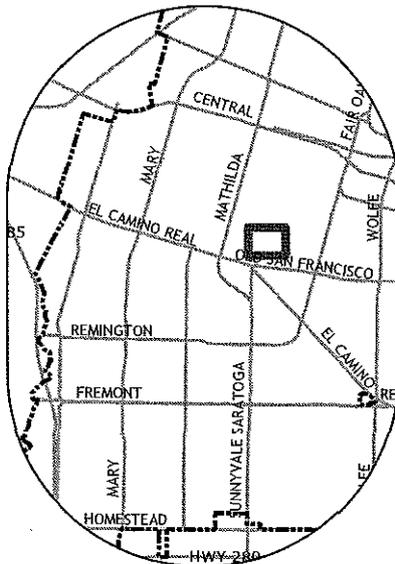
**Staff Contact:** Shétal Divatia, Associate Planner, (408) 730-7422

**Project Description:** Use Permit to allow an approximately eight-foot tall fence located in the front yard between the existing building (detached garage) and the street in a DSP-9a (Downtown Specific Plan Block 9a) Zoning District.

**Reason for Permit:** A Use Permit is required for fences over six feet in height and located between face of building and street

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

**Recommendation:** Approve with Conditions



**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	DSP	Same
Zoning District:	DSP Block 9a	Same
Fence ht.	3 ft. open picket fence	8 ft. solid wood board fence
Fence Setback	Front yard: 0 ft. Reducible Front yard: 0 ft.	Front yard*: 20 ft. Reducible Front yard: 20 ft.

\*A front yard fence is defined as being between the face of the building and the street. The proposed fence will be located between the existing garage and Carroll Street, and therefore requires a Use Permit.

Previous Planning Projects related to Subject Application <ul style="list-style-type: none"> <li>February 1997 - MPP (1997-0025) was approved for a 3 ft. high fence in the front yard.</li> </ul>	<b>Yes</b>
Neighborhood Preservation Complaints <ul style="list-style-type: none"> <li>February 2012 - A compliant was received regarding a green house (utility building) located between the building and the street that was recently constructed. The structure was removed, and the complaint was resolved.</li> <li>A complaint regarding storage of debris in the rear yard. The issue was addressed and complaint was resolved.</li> </ul>	<b>Yes</b>
Deviations from Standard Zoning Requirements	<b>No</b>

**Fence:** The proposed solid wood board fence is approximately 8 feet in height and located adjacent to the existing detached garage as noted in the proposed plans (Attachment B).

**Vision Triangle:** The proposed fence is located outside the vision triangle and therefore does not obstruct visibility and impair safety (Attachment B).

**Site Plan:** The subject property is a corner lot located on the corner of East Olive Avenue and Carroll Street in downtown Sunnyvale. Although the property has an address on Olive Avenue, for Planning purposes, its frontage is on Carroll Street (as defined by Sunnyvale Municipal Code Section 19.12.260). The portion of the property facing Carroll Street is the front yard, and the longer portion facing East Olive Avenue is the second front yard, which is called a reducible front yard. The front corner of the lot was left vacant and functions as the backyard, but it is completely visible to the street due to the lack of fencing.

The property is developed with a two-story single family home and a detached garage. The property has been developed with a unique atypical layout (Attachment B - Site Plan). The detached garage provides access from Olive

Avenue, and the single family house is located closer to East Olive Avenue. The subject property does not have a typical front yard along Carroll Street.

The proposed fence is located 20 feet away from front and reducible front property lines as noted on the Site Plan. This location meets/exceeds setback requirements: 20 feet for front yard facing Carroll Street; and 9 feet for reducible front yard facing East Olive Avenue.

Staff recognizes the need to create a private backyard; however, staff is concerned about the future maintenance of area remaining outside the fence and visible from the streets. Staff notes that this area provides an opportunity to include landscaping that will enhance the neighborhood, the property and provide screening of the proposed fence. Staff has included a **Condition of Approval (PSC-1)** requiring landscaping and irrigation in the area located between the fence and the streets in a manner that does not obstruct visibility in the vision triangles.

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

**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.

Single Family Home Design Techniques includes:

*Policy 3.11.G: 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 front property lines. Side fencing may be solid wood bards, 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.*

Staff notes that the proposed fence is setback 20 feet away from its front and reducible front property lines. These setbacks exceed required fence setbacks. The proposed location of the fence is not typical for fences, rather is more typical for main structures such as single family home or its

garage. The proposed fence would provide a private yard that is lacking at the site due to its unique layout. The Single Family Home Design Techniques encourages lattice for the top one foot of the fence to soften the visual appearance of the fence. A condition of approval requiring lattice on the upper 1 foot of the fence is included in Condition of Approval (PSC-2).

**Staff is able to make the finding as noted 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, as conditioned, at the subject property is keeping in character of this downtown neighborhood which has unique site plan layouts with detached structures and some atypical home orientations and yards. The fence will also create a private yard, a feature that is typical in the neighborhood. Based on the location of the site in downtown area, the unique layout of the site, the design and location of the proposed fence (outside the corner vision triangle) and subject to recommended Conditions of Approval, the project will not have a negative impact on the streetscape or surrounding properties and will be a visual improvement over the current open backyard.

**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:

A handwritten signature in cursive script, appearing to read "Gerri Caruso".

Gerri Caruso, Principal Planner

Prepared By: Shétal Divatia, Associate Planner

**Attachments:**

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Use Permit Justifications from the Applicant

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
MAY 16, 2012**

**Planning Application 2012-7229  
275 E. Olive Avenue**

Use Permit to allow an approximately 8 feet tall fence located in the front yard  
between the face of a building and a street 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 (COA) AND  
STANDARD DEVELOPMENT REQUIREMENTS (SDR) 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:

The 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 and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4. FENCE HEIGHT:

Fence height in the front and reducible front yard is measured from the top of curb, or street if there is no curb, to the highest point of the fence. [SDR] (PLANNING)

GC-5. VISION TRIANGLES:

Ensure that corner and driveway vision triangles are free of visual obstruction.

GC -6. BUILDING PERMIT:

Obtain a building permit for the fence prior to construction. (SDR) (PLANNING)

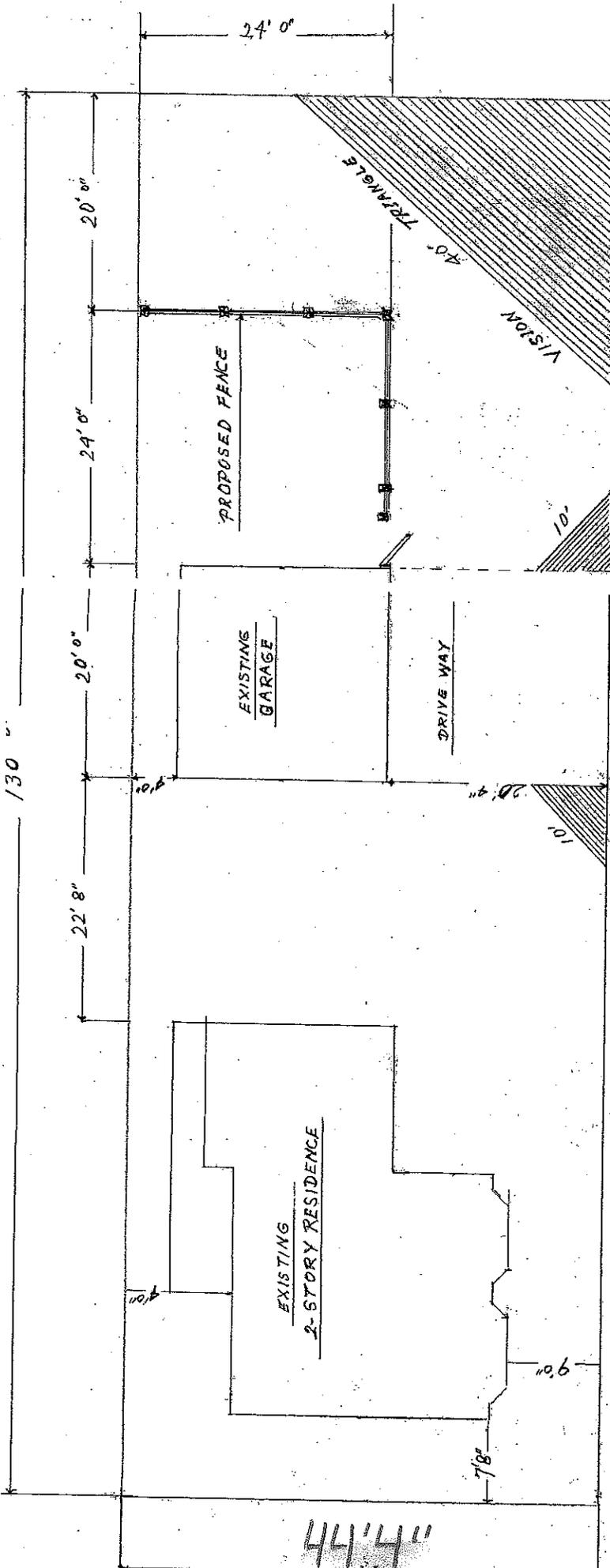
**PSC: THE FOLLOWING PROJECT SPECIFIC CONDITIONS OF APPROVAL (COA) AND STANDARD DEVELOPMENT REQUIREMENTS (SDR) SHALL APPLY TO THE APPROVED PROJECT.**

PSC-1. The area between the fence and the street shall be landscaped, including an irrigation system, in a manner that does not visually obstruct visibility in the vision triangles as noted on the proposed plans. (COA) (PLANNING)

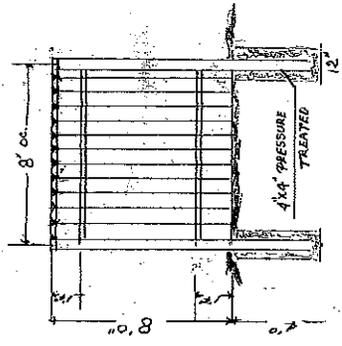
PSC-2. Modify the proposed solid wood fence design to include a lattice on the upper one foot of the fence. The fence will be a seven-foot solid wood fence, with one foot lattice above it, resulting in an eight-foot tall fence. (COA) (PLANNING)



CARROLL ST.



SLICE



FENCE DETAIL  
1/4" = 1' 0"





# 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 ...

Because of the orientation of the house the fence will allow for a backyard to be created, similar to other single family houses in Sunnyvale.

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