



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

September 12, 2012

File Number: 2012-7588 **Permit Type:** Use Permit

Location: 111 W Arques Ave. (near W. Stowell Ave.) (APN: 204-34-034)

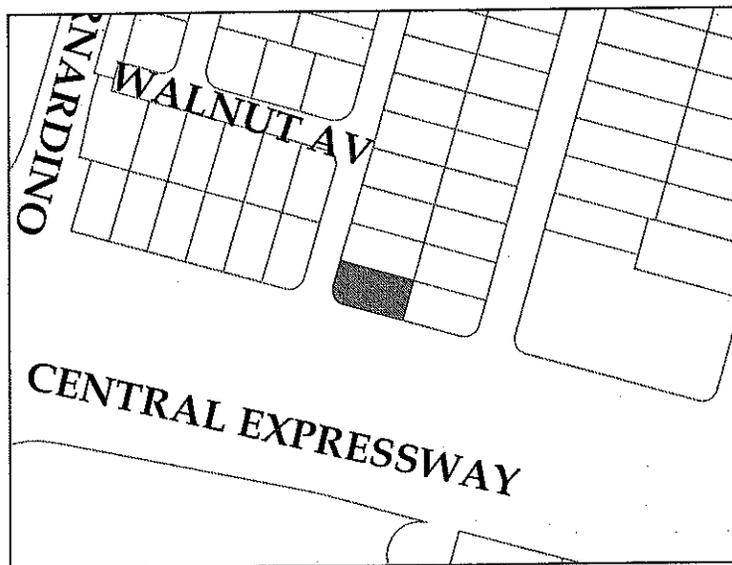
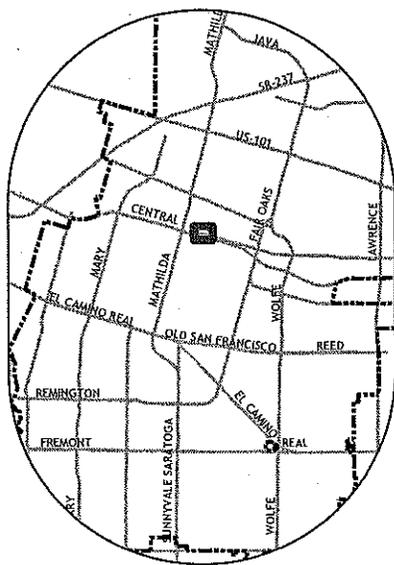
Staff Contact: Diana O'Dell, Senior Planner, (408) 730-7257

Project Description: To allow a fence higher than six feet along Stowell Avenue in the front yard of a single family home.

Reason for Permit: A Use Permit is required for a fence higher than six feet in the required front yard.

Issues: Neighborhood compatibility

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

Existing Conditions:	Single-family home	Proposed Fence Height:	6.5 ft.
Zoning District:	R-0	Fence Setback:	0 ft.
Existing Fence Height:	N/A		

Previous Planning Projects related to Subject Application: An MPP was granted allowing a fence up to 6 ft. along Stowell Avenue. The final height of the fence, after construction, was 6.5 feet.	Yes
Neighborhood Preservation Complaint: A complaint was received on July 19, 2012 that a fence was constructed over 4 feet in the required front yard.	Yes
Deviations from Standard Zoning Requirements	No

Lot Configuration: The Zoning Code defines a required front yard on corner lots as the shortest of the street frontages, regardless of orientation. The proposed fence, along Stowell Avenue, is located in the required front yard, although the front door of the house and the garage are oriented towards Arques Avenue. The private yard is located behind the house, parallel to Arques Avenue.

Fence Design: The fence is a standard residential design of board on board with one foot of lattice at the top. The fence extends 12 feet along Stowell Avenue and then forms an angle to the house. This design keeps the required corner vision triangle clear of obstructions. Staff notes that the proposed fence extends less than 25% of the frontage along Stowell Avenue.

Landscaping: A maple tree is on private property at the corner of the lot. No landscaping is proposed to be modified for this project.

Typical Fence Heights in the Neighborhood: Most of the front yard fences in the neighborhood are between 3 and 4 feet in height and have a picket design. One house on Stowell Avenue has a graduated-height side-yard fence that extends to the sidewalk, and a house on the corner of Walnut and Stowell Avenues also has a tall fence in the required front yard, similar to this proposal.

Neighborhood Compatibility: Unlike other neighborhoods in the City, this neighborhood does not contain many taller fences on corner lots.

The fence is a standard residential design and provides security and privacy to a lot that has limited yard area. The limited length of the fence and the height that is only a few inches above 6 feet is consistent with the Single Family Home Design Techniques. The lot still maintains a more than adequate open front yard area along both Stowell and Arques Avenues.

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

Environmental Determination: A Categorical Exemption Class 11 (accessory structures) relieves this project from CEQA provisions.

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.

Single Family Home Design Techniques 3.11.G. Fencing along front property lines and alongside 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 6 feet with at least the top 12 inches constructed of wood lattice to soften the visual appearance of the fence top.

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. The proposed height is only several inches greater than the height encouraged in the Design Techniques, and 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 house orientation and shape of the property limit the property owner's options for security and for privacy in the side and rear yards. The Stowell Avenue frontage 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. While a complaint was filed with concerns about the impact on the neighborhood, staff finds that the short length of the fence does not create a significant visual impact on the street, and the general height and design of the fence is appropriate for the neighborhood.

Staff is able to make the required finding above. The project is expected to have minor impacts on surrounding properties.

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

Reviewed by:



Gerri Caruso
Principal Planner

Prepared By: Diana O'Dell, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Aerial Photos, Drawings, and Pictures of Fence
- C. Letter from the Applicant

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
September 12, 2012**

Planning Application 2012-7588

111 W. Arques Avenue.

Identify Permit Types and describe project

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:

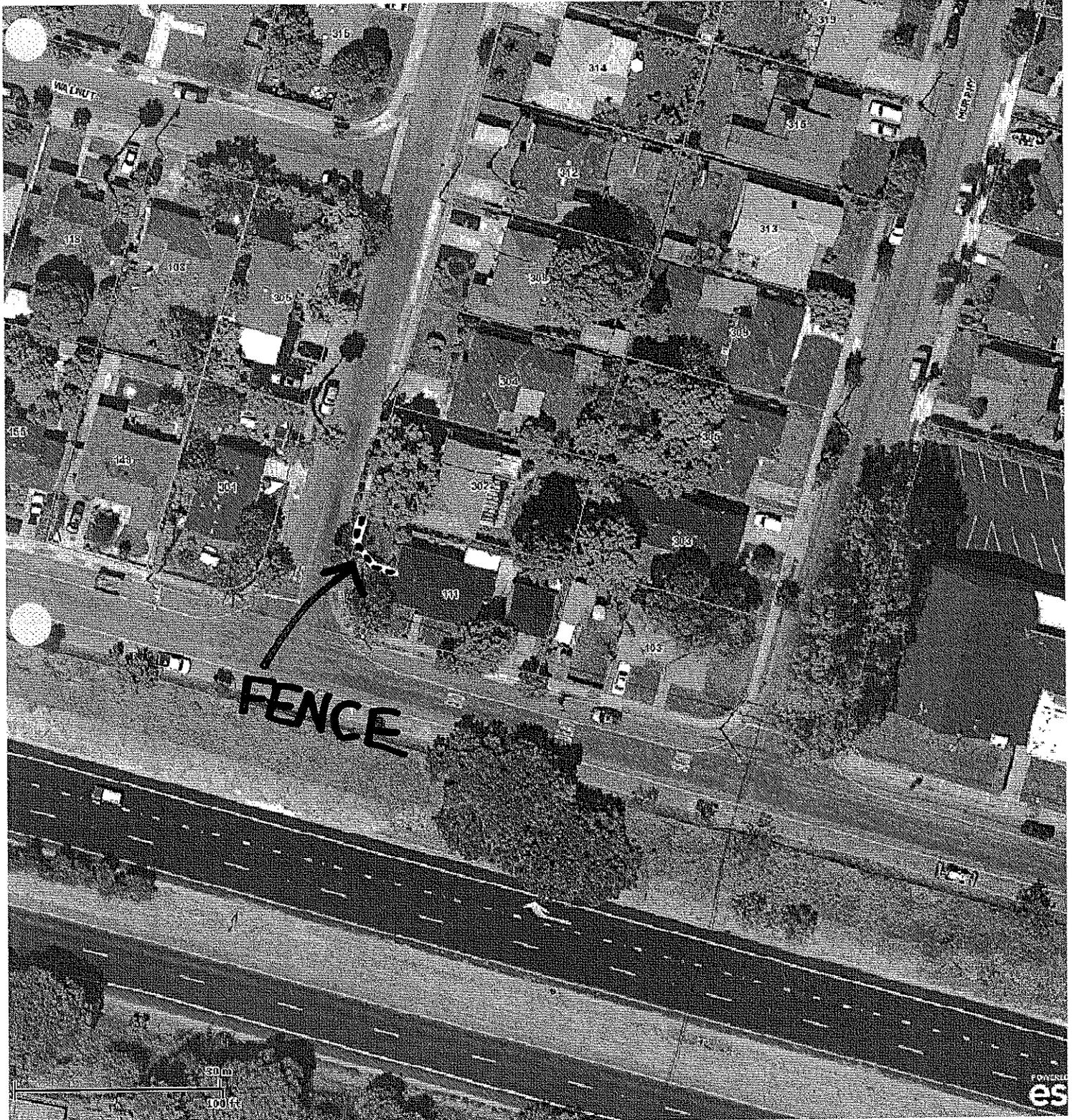
The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4. BUILDING PERMIT:

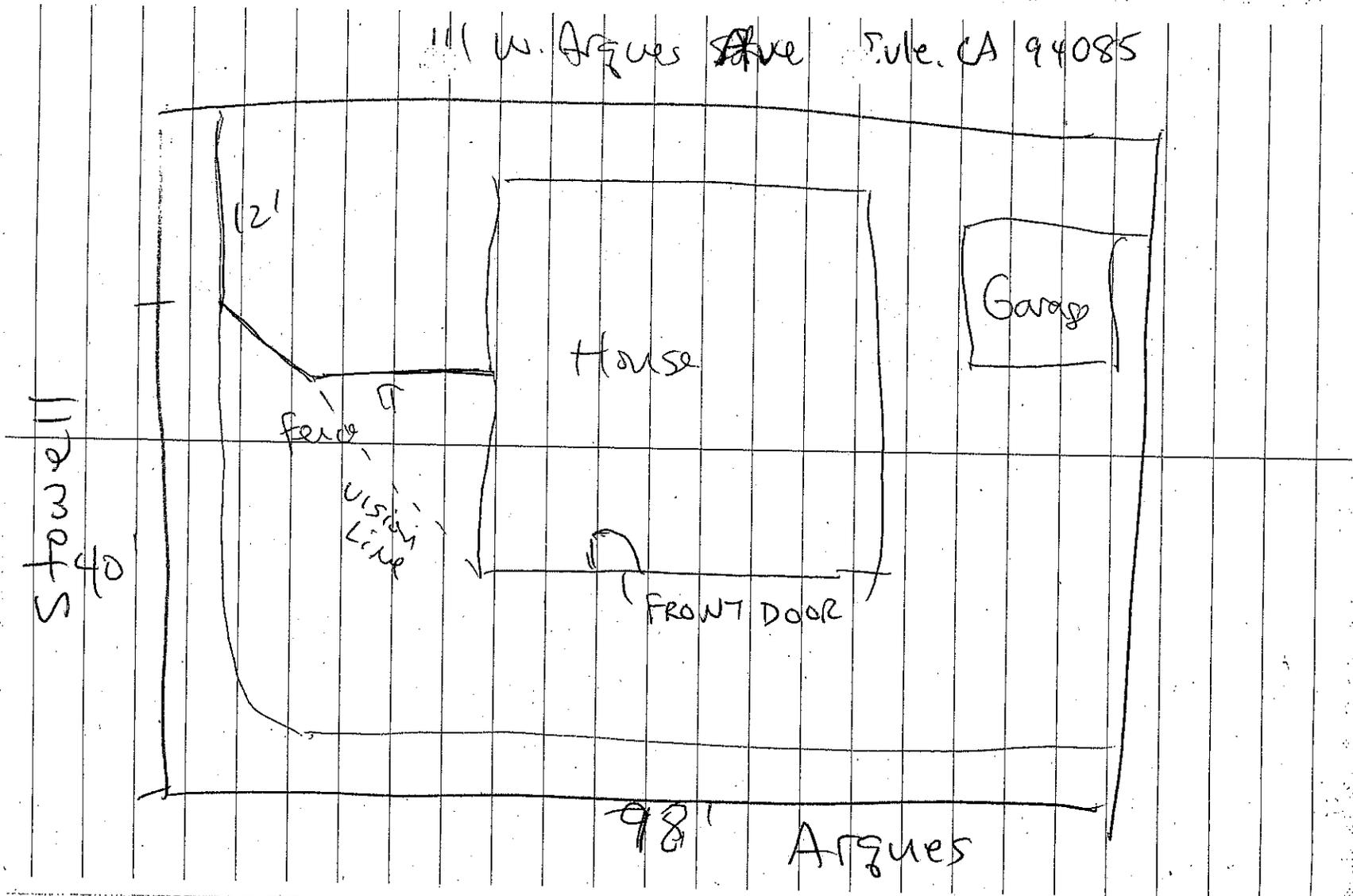
The applicant shall obtain a building permit for the fence that is greater than 5 feet within 30 days of the approval of this application. [COA] [PLANNING]

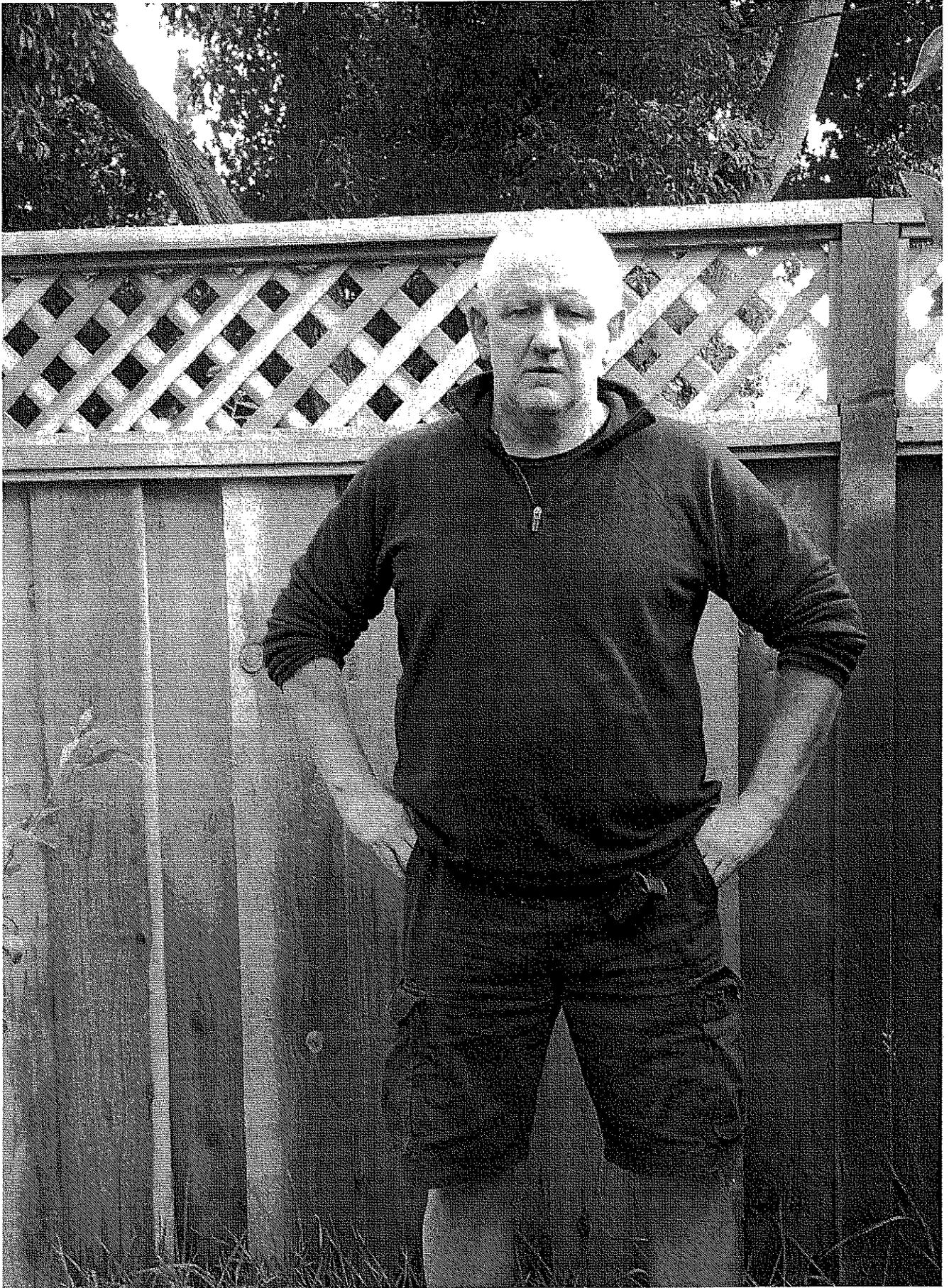
111 W. Arques Avenue

Use Permit for Fence



111 W. Argues Ave. Tule, CA 94085



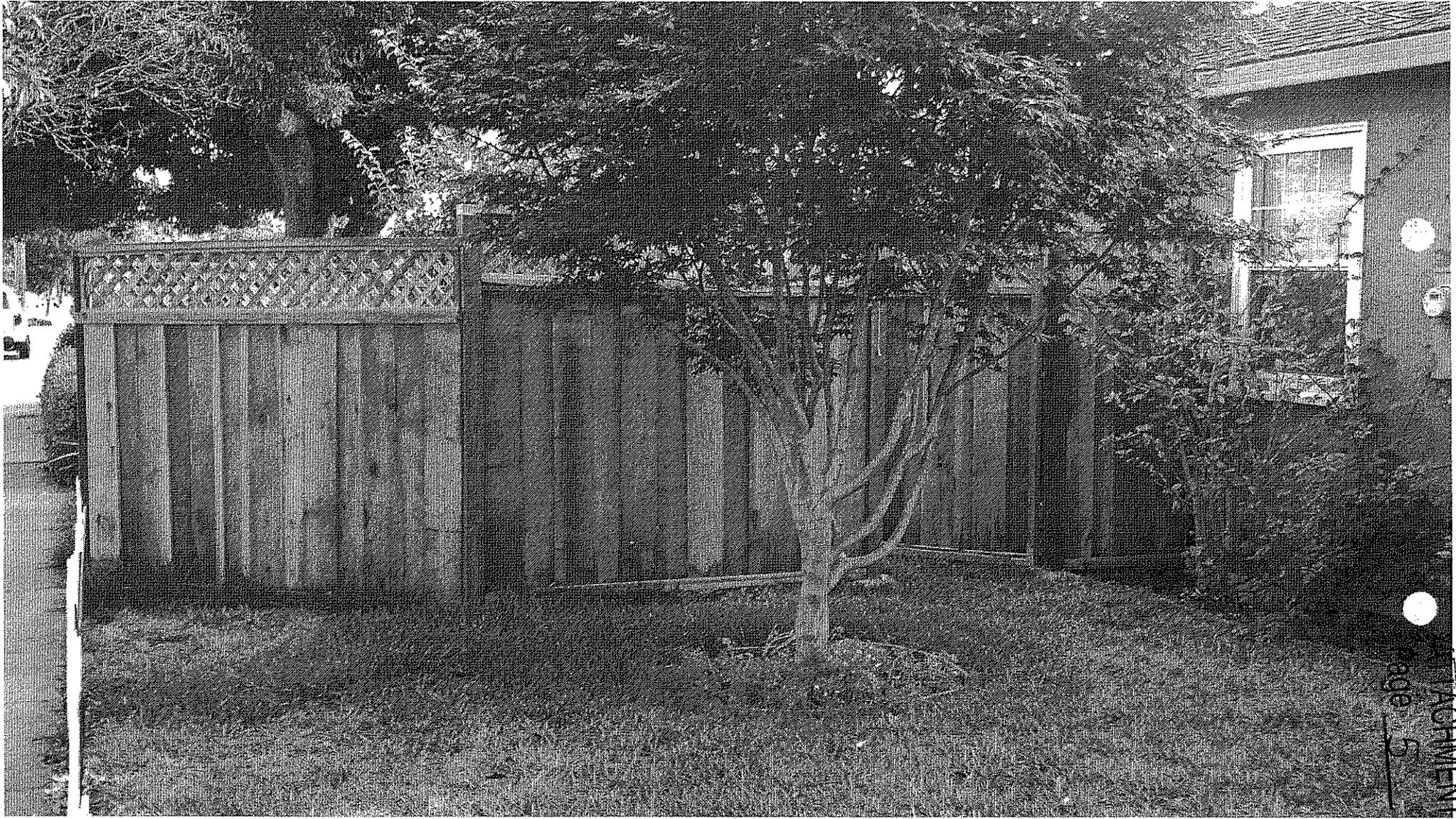


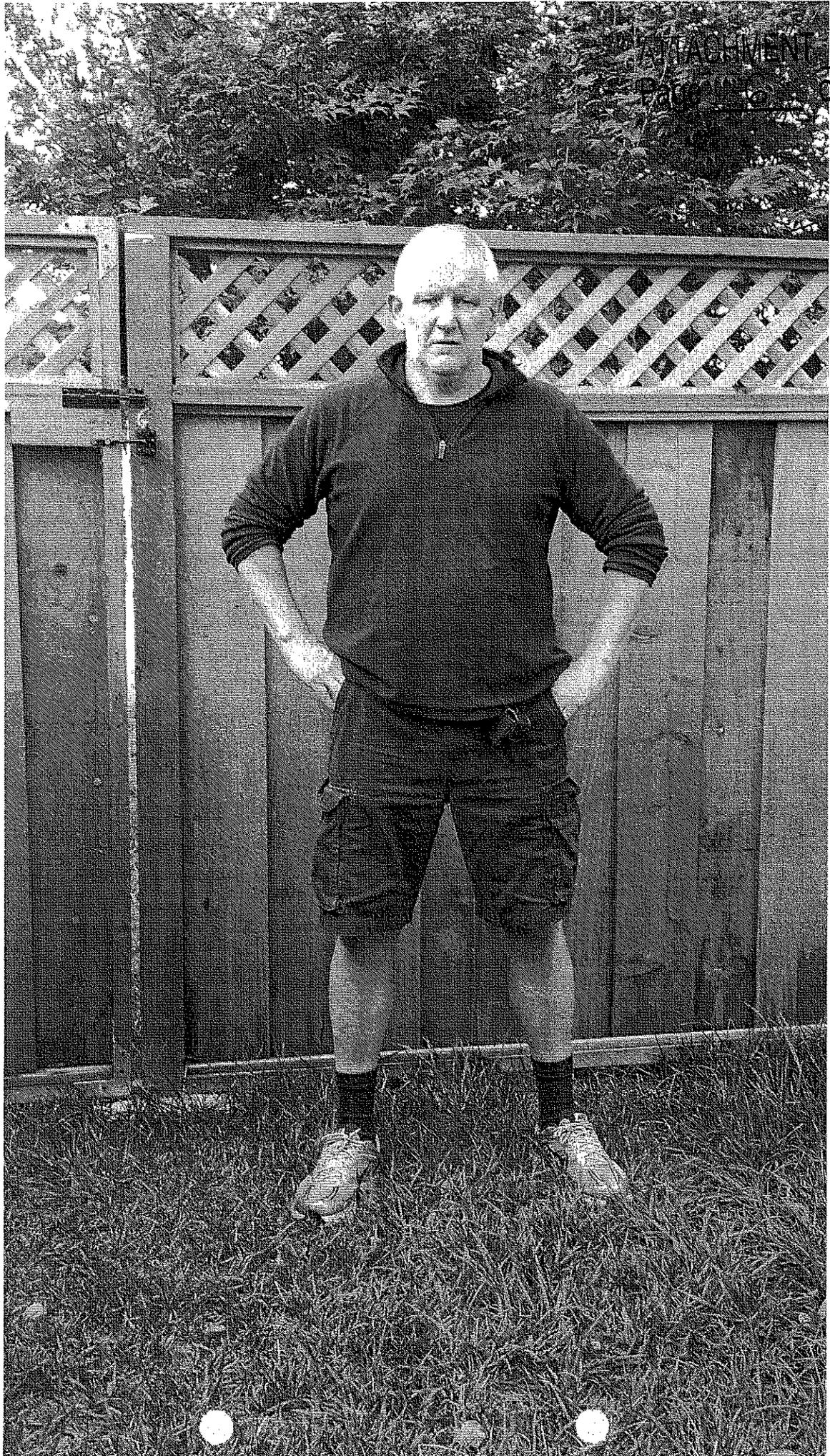


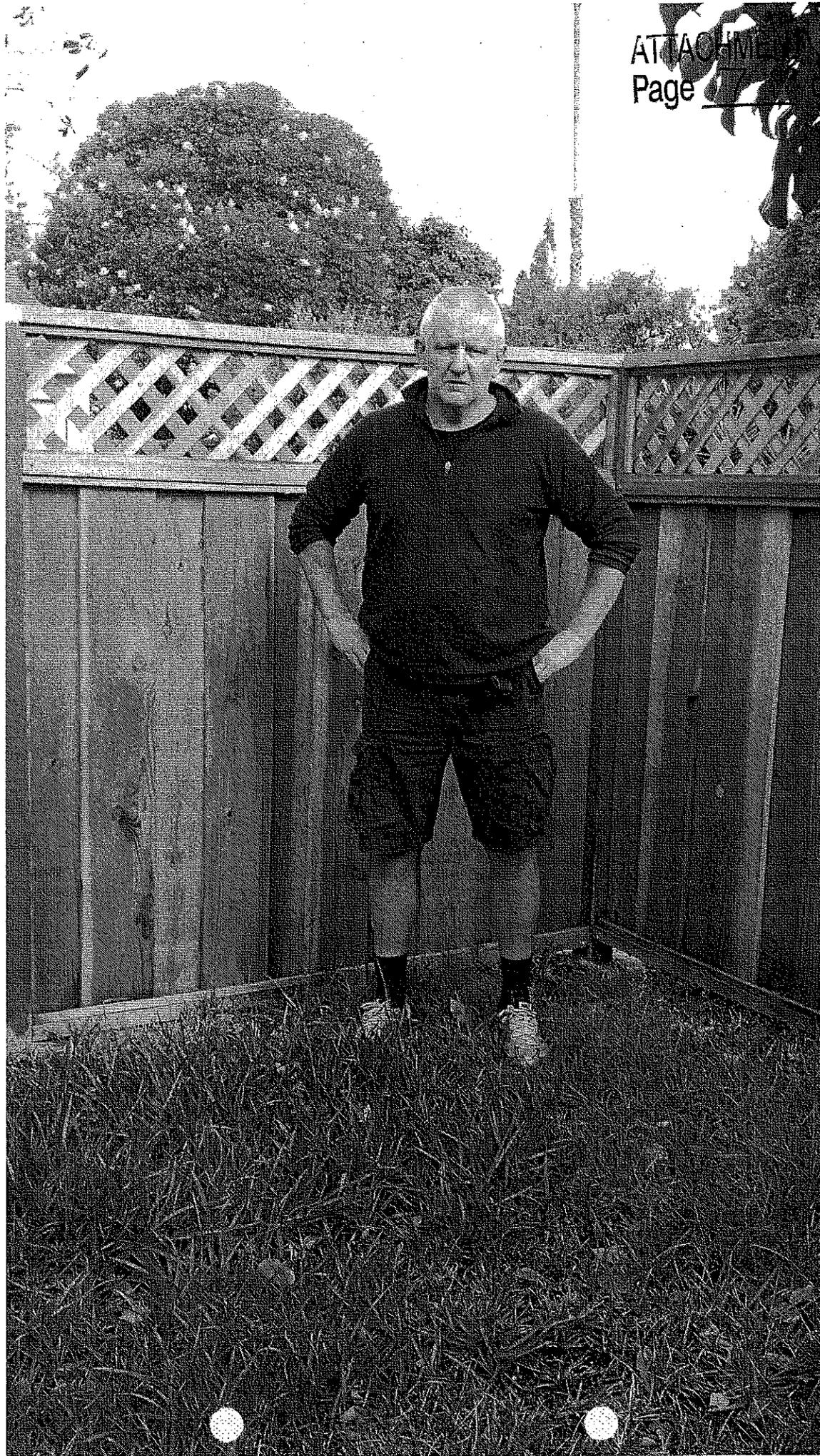
(6'4")
77"

70.5"
(5'8")

78"
(6'5")









Joey Mariano - Fwd: 111 W. Arques Ave. Sunnyvale CA - Fence

From: Diana O'Dell
To: Joey Mariano
Date: Thursday, August 02, 2012 10:51 AM
Subject: Fwd: 111 W. Arques Ave. Sunnyvale CA - Fence
CC: Gerri Caruso

Can you print out these pictures and put them with the Use Permit Application for Pre PRC this afternoon?
Thanks.

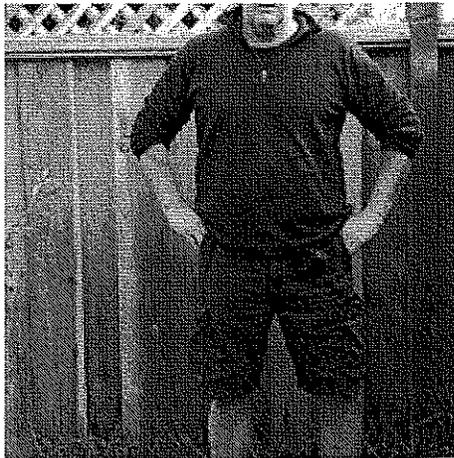
>>> On 7/31/2012 at 8:52 PM, in message <E832D1ECCF194C6DB5F26F356B225F62@WilbyHP>, "Bill Belew" <wcbelew@gmail.com> wrote:

Diana,

Please find attached the requested pictures of the fence put up at the address in the subject line.

I am 6 feet tall.

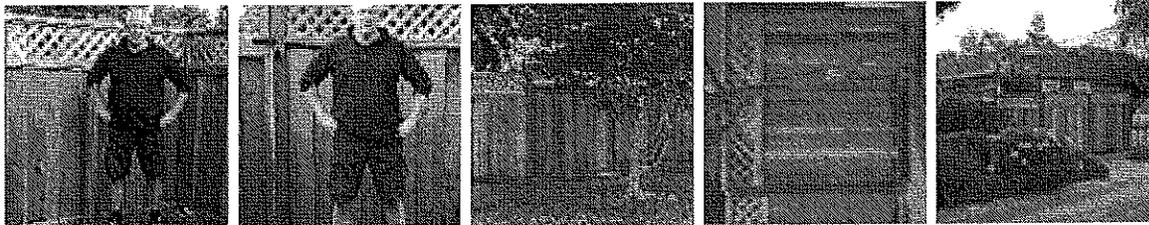
Below is my explanation that you requested. I will drop by the city office tomorrow to bring the plans of the yard and the measurements of the fence – also included in the explanation below.



Fence at 111 W. Arques Ave. Sunnyvale, CA 94085

[VIEW SLIDE SHOW](#) [DOWNLOAD ALL](#)

This album has 6 photos and will be available on SkyDrive until 10/29/2012.



Explanation.

My front door is on Arques Ave as is my address.

However, according to city plans my front door is facing Stowell.

I approached Diana O'Dell for permission to build a fence in my side yard – facing Stowell. After Diana looked at the plans and pictures of my house, she kindly gave me permission to build a fence. I understood her meaning to be that the side of the house facing Stowell would be considered my 'side' yard going forward. I built the fence to 6' at the side walk with the understanding that once I was into the yard 1' or more I could raise the height of the fence to 7'. The highest point of the fence is 77.75" and this occurs only after the fence is removed more than 2' from the sidewalk. In another section, the height of the fence raises to 76.75" and this occurs only after the fence is removed more than 8' inland.

The fence was built to have a small safe enclosure for my 4-year old daughter to play such that outsiders could not see over the fence.

I kindly request that the fence be allowed to remain standing.

Thank you.

Bill Belew, PhD, MFA
Sunnyvale, CA