



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

July 24, 2013

File Number: 2013-7517

Permit Type: Use Permit

Location: 1678 S. Wolfe Rd. (near Homestead Road) (313-38-041)

Applicant/Owner: Donald Scheiman

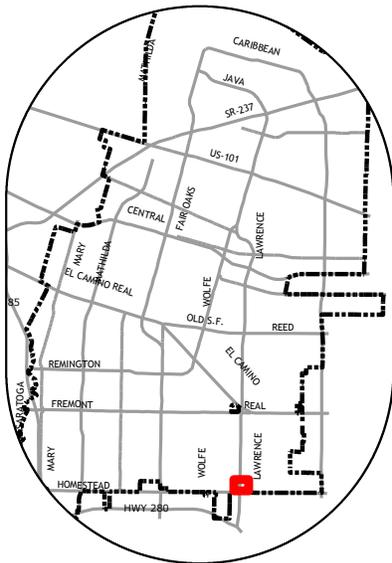
Staff Contact: Timothy Maier, Assistant Planner, (408) 730-7257

Project Description: Use Permit to allow a 6' fence in the front yard for an existing single-family home located on Wolfe Road.

Reason for Permit: A Use Permit is required for any fence that exceeds 6' in height in the front yard.

Issues: Neighborhood compatibility, aesthetics, height

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

Existing Conditions:	7'-11"	Proposed Fence Height:	6'
Zoning District:	R0	Fence Setback:	9'

Previous Planning Projects related to Subject Application	No
A Neighborhood Preservation complaint was filed concerning the height and appearance of a combined concrete-and-wood fence constructed in the front yard of 1678 S. Wolfe Rd. In response, the property owner filed a Use Permit application, requesting permission to reduce the height of the existing fence and retain the majority of the fence constructed.	Yes
Deviations from Standard Zoning Requirements	No

Fence Design:

Until recently, a hedge, approximately 9' in height, grew in the front yard of the home at 1678 S. Wolfe Road. The hedge had stood between a concrete wall of approximately 4'-6" (measured from the top of the adjacent curb) and the street, and had provided noise protection and privacy from the S. Wolfe-Homestead intersection. The applicant removed the hedge, to discover after several months that the absence of vegetation had resulted in increased noise and loss of privacy which negatively impacted quality of life. After roughly six months, the applicant constructed the present wooden fence above the previously existing concrete base to match the pre-existing fence of his northerly neighbor. The applicant stated that he had no knowledge of the need to obtain a permit for the establishment of this fence.

Presently, the fence in the front yard is composed of wood, fixed atop a base of painted, textured concrete and positioned behind a low planter box composed of textured stone. The fence is located between the front of the house and the street, with a setback of approximately 9' from the property line, and a total combined height of approximately 7'-5" as measured from finished grade. (see Attachment D – Site Photographs).

A grade of approximately six inches separates the top of curb from the finished grade below the fence. This grade adds approximately one-half foot to the apparent height of any fence from the standpoint of a passerby.

The applicant proposes to reduce the height of the wood portion of the fence, while retaining the underlying concrete base. The applicant proposes to reduce the height to approximately 7' from adjacent curb (albeit described as "6 feet" in the permit application). The proposed fence will continue to be set back

approximately 9' from the front property line, and the applicant intends to maintain the existing landscape planter box in front (to the west) of the fence.

Landscaping:

Presently, the front yard contains hexagonal paver tiles to the south, and a large planter box in front of the existing fence. The planter box occupies the majority of the front yard. Lined in textured, horizontally-arranged stone bricks, the planter box contains bark, several large rocks, a plotted plant, a conifer sapling, and several rows of dozens of juniper and succulent plants. The presence of black hoses indicates the installation of an irrigation system.

Prior to construction of the existing planter box and wooden portion of the fence, the front yard contained a solid fence, approximately 4' in height, and a dense hedge located in front of and extending the length of the fence. The height of the pre-existing vegetation roughly equaled the current height of the existing fence, and the vegetation shielded all view of the house, aside from the garage. In a letter provided, the applicant stated that he had removed the 9'-tall vegetation from the front yard in order to avoid the need for ongoing maintenance. After doing so, the applicant reports that the absence of a barrier had impacted his quality of life due to excessive noise and privacy concerns, given the home's location on Wolfe Rd., a busy arterial road, and due to the home's proximity to a busy nearby intersection. The applicant states that he installed the new fence in order to provide privacy protection and noise abatement similar the prior fence-landscaping combination.

Typical Fence Heights in the Neighborhood: Most properties in the surrounding area remain open, without fences bordering their respective front yards. However, among the few homes that maintain fences, most range from 3' to 4' in height, with open designs. An exception is the home next door (to the north) of the subject property, whose front yard contains a fence approximately 7' in height.

Neighborhood Compatibility: The neighborhood is generally characterized by open front yards, with a few, 3'- to 4'-tall, mostly open fences. For properties that do contain fences, most enclose their respective front yards. Even with proposed changes, the fence will consist of a height and bulk atypical to the area. The proposed fence will provide a degree of front and side yard privacy unique to the area, with the majority of the front of the home blocked from view from the street. The orientation of the fence will be consistent with the neighborhood pattern for the few lots which have fenced yards.

Public Contact: Eight notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters or calls were received from the public by staff.

Environmental Determination: A Categorical Exemption Class 3 (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. **Finding met.**

City of Sunnyvale General Plan:

- CC-2: Attractive Street Environment: Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

Single Family Home Design Techniques:

- 3.11.G ...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.

In the current state of the fence, staff was unable to make findings to support either of the policies above, as the fence is considered out of character for the neighborhood and too tall. Staff recommends removal of the existing wooden upper portion of the fence and retention of the concrete block base. This recommendation has been added to the Conditions of Approval. In compliance with the Single Family Home Design Techniques, staff has required replacement of the existing wooden fence with a trellis or lattice of 1'-6" in height, and, if desired, vines, providing a total maximum fence height of 6' from the curb. In keeping with the Single Family Home Design Techniques, a trellis or lattice, and vegetation such as vines, would soften the appearance of the fence while continuing to offer privacy and protection from activities on S. Wolfe Road. Planting of trees in the property's front yard could serve as an additional measure.

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. **Finding met.**

Due to the height and location of the fence, the existing fence has the potential to create a walled-in appearance in the front yard, which is not consistent with the prevailing pattern of open front yards in the neighborhood. Staff was able to make the finding above based on the

required revisions, as the fence design with required revisions would alleviate concerns regarding detrimental visual impacts to the streetscape.

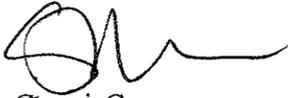
ALTERNATIVES

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: Timothy Maier, Assistant Planner

Attachments:

- A. Conditions of Approval and Standard Requirements
- B. Site and Architectural Plans
- C. Project Description Letter
- D. Site Photographs

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
7/24/11**

Planning Application **2013-7517**
1678 S. Wolfe Rd.

Use Permit to allow a fence over 6' in height.

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. REQUIRED REVISIONS TO PROJECT PLANS

The plans shall be revised to address comments from the Administrative Hearing Officer including the following [COA] [PLANNING]:

Modifications to Design: The existing wooden fence must be replaced with a trellis or lattice of 1'-6" in height, and, if desired, vines, providing a total maximum fence height of 6' from the curb. A trellis or lattice, and vegetation such as vines, would soften the appearance of the fence while continuing to offer privacy and protection from activities on S. Wolfe Road. Planting of trees in the property's front yard could serve as an additional measure.

Modifications to Height: The fence must be reduced in height to 6' from the top of curb. This maximum height will include both the height of the existing concrete fence base, as well as the recommended wood and latticework above the present concrete base.

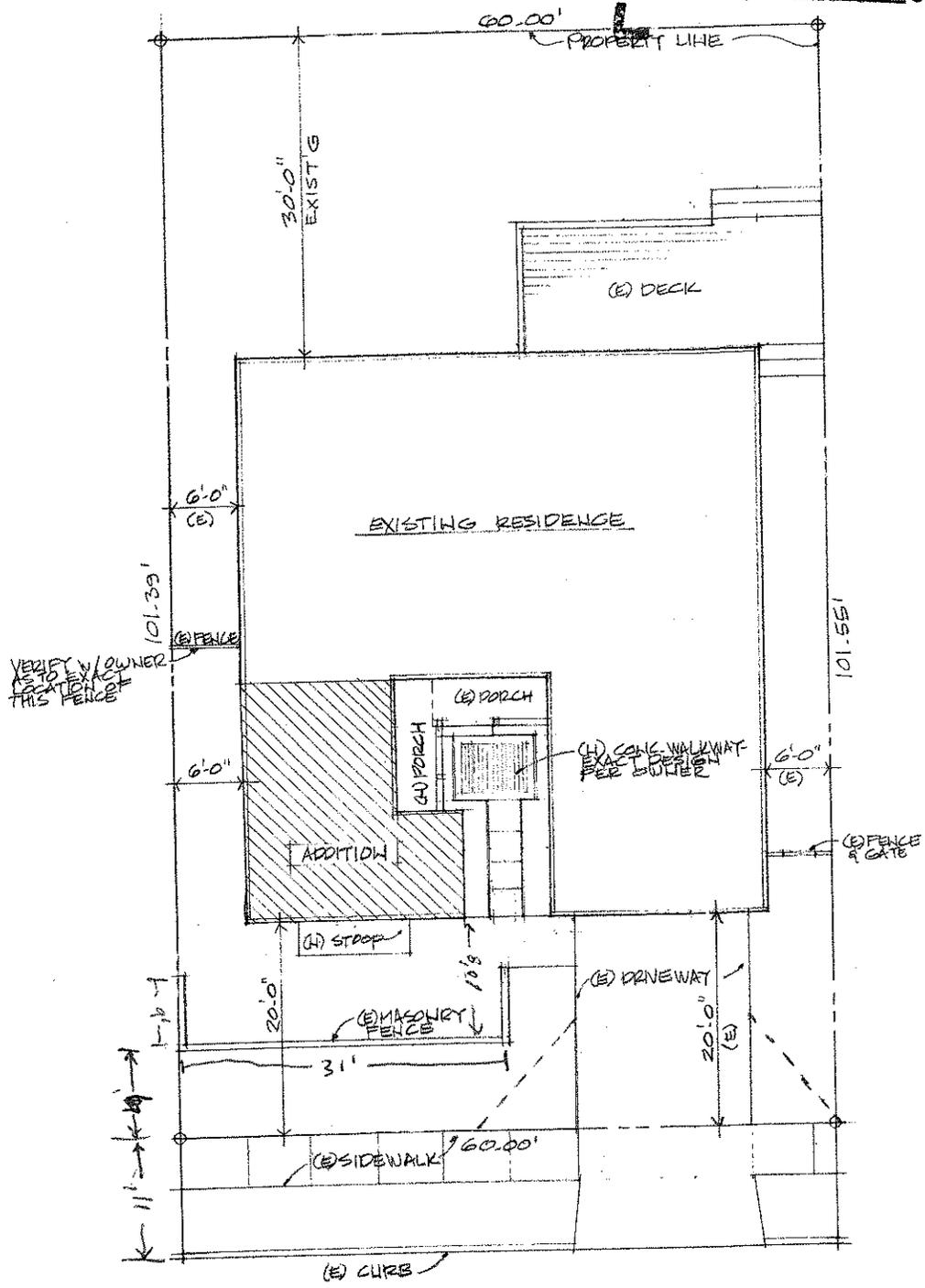
Additional Landscaping and Irrigation:

- (1) Replanting of existing vegetation to create more green/natural space and to partially screen the fence, with the addition of vines to soften the appearance of the fence
- (2) Installation of an adequate irrigation system to sustain landscaping

GC-5. COMPLIANCE WITH APPROVAL:

Changes required as part of this planning application shall be completed within **30** days of the approval of this application. The applicant shall request a compliance visit from the Planning Division. [COA] [PLANNING]

ATTACHMENT B



North
~ SOUTH WOLF RD. ~

SITE PLAN
SCALE: 1/8" = 1'-0"



SINGLE-FAMILY AND DUPLEX

ATTACHMENT B

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The following are Planning Application submittal requirements for additions to existing homes in any zoning district, demolition and construction of a new home, not associated with a subdivision of five or more lots in any zoning district, and accessory living units in the applicable zoning district. Submittal of a Planning Application will require a copy of this form and the following information noted below. A submittal missing any of the checked items may not be accepted.

Date: 9/20/13

Staff Contact: Nora Caliva-Lepe

PROPERTY INFORMATION

Site Address: 1678 S. Wolfe Rd. APN: _____

Zoning: R-0 Combining District: _____ Lot Size: _____

PROPOSAL INFORMATION

Project Description: To allow a 6' tall fence (wood) in the front yard of a single-family home. NP case for fence that is 6'-6" in height

PERMIT TYPE	APPROVAL BODY	PLAN SUBMITTAL
<input checked="" type="checkbox"/> Miscellaneous Plan Permit / Design Review	<input checked="" type="checkbox"/> Staff Level	<input type="checkbox"/> 2 Full Sized sets (24"x36")
<input type="checkbox"/> Variance	<input type="checkbox"/> Administrative Hearing	<input type="checkbox"/> 5 Reduced (11" x 17")
<input type="checkbox"/> Major Use Permit/Special Development Permit	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> See Notes on back
<input type="checkbox"/> Other: _____		<input checked="" type="checkbox"/> 2 8 1/2" x 11"

SUBMITTAL MATERIALS

- Application signed by the property owner. Justification Letter
- Plans including the following:
 - Project Data - Including lot size, existing and proposed calculations of living area, garage, other floor area, Floor Area Ratio (FAR), lot coverage, pervious and impervious surfaces and grade differential of adjacent properties.
 - Site Plan - Including lot dimensions and the location of the building(s), property lines, adjacent right-of-way, sidewalk, planter strips, easements, rear yard power lines, setbacks, vision triangles, and protected trees for both existing and proposed. Proposed fencing may also be included on the site plan with an architectural elevation.
 - Floor Plans - Provide dimensions for both existing and proposed.
 - Roof Plan - Indicate the existing and proposed roof plan including slope.
 - Architectural Elevations - Provide both existing and proposed. Elevations should include the roof pitch and exterior materials. OR PHOTO
 - Streetscape Elevations (Two Story Only) - Provide elevations visible from the public right-of-way of the proposed project and both adjacent houses and include the height of the buildings.
 - Building Height - Provide site section as measured from the top of the curb or centerline of right-of-way. The curb or centerline elevation should be noted as 0'. The section should include the base elevation at top of curb, finished floor elevations, ceiling elevations, plate heights and highest roof point. For two story additions or new homes, certified elevation data shall be submitted to establish property grades.
 - Landscaping and Irrigation (New Homes Only) - Provide the locations of proposed landscaping and indicate which water-efficiency design option is selected. Show and label each hydrozone with size of the area, proposed plantings and water use type, and irrigation type.
- Project Data Sheet completed by applicant.
- Water-Efficient Landscaping Checklist and Water Budget Calculation Worksheets (if applicable).

Continued on Page 2.

SUBMITTAL MATERIALS CONT'D

- Use Permit/Special Development Permit Justification Form completed by applicant.
- Photos - Provide photos of the adjacent homes and homes directly across the street. Note addresses on the photos.
- Solar Study (required for two story additions or two story structures).
- Preliminary Title Report (may be required for new construction and accessory living units).
- Green Building Checklist - As applicable. <http://greenbuilding.insunnyvale.com>
- Fee (non refundable) \$ 127.50

NOTES

- **Fire Sprinklers:** If you are building a new house or an addition greater than 50% of the existing living area (not including the garage), you are required to install fire sprinklers through the entire house. The installation of fire sprinklers may require additional upgrades for your water meter. Please consult with the Engineering Division of the Public Works Department.
- **Increase in Bedrooms:** Increasing the number of bedrooms to more than two in existing homes will require an additional sewer fee. Please consult with the Engineering Division of the Public Works Department as the fee varies. The fee will be collected at issuance of building permit.
- **City Trees:** When feasible City trees may be required to be planted in accordance with the standards approved by the City Council. Please consult with the Planning Division project planner and the Trees and Landscape Division of the Public Works Department.
- **Plan Submittal:** An additional 12 sets of 11"x17" plans must be submitted 2 weeks prior to the public hearing date. A digital copy may be required and is encouraged (3 megabyte maximum). The project planner will notify the applicant when the additional plan sets are needed.
- **Valuation Estimate:** The following table may be used to determine if a *Build It Green* Greenpoint-Rated Checklist will be required to be submitted with the Design Review application for a residential addition and/or remodel.

Project Valuation* Estimate			
Construction Type	Cost Per Square Foot	Proposed Construction Area	Total
New or Addition	\$112.00		
Remodeled area	\$60.00		
Grand Total			
Is Grand Total >\$100,000?			Yes / No
A Build It Green (BIG) Greenpoint Rated Checklist is required if "Yes" above.			

* Valuation per square foot of construction is determined in the annually adopted fee resolution. The Building Division will determine the final valuation at building permit submittal.

RESOURCES

- **Planning Division** - <http://www.SunnyvalePlanning.com>
 - Residential Planning: Single-Family Development; Applications: Miscellaneous Plan Permit; Design Guidelines; General Plan; Zoning Code
 - Green Building Program - <http://Greenbuilding.InSunnyvale.com>
- **Building Division** - <http://www.SunnyvaleBuilding.com>
 - Residential Information
- **Public Works Department** - <http://Publicworks.inSunnyvale.com>
 - City Trees - Sunnyvale Municipal Code Chapter 13.16

One-Stop Permit Center - City Hall - 456 W. Olive Avenue - (408) 730-7444
 Planners and Building Division staff are available 8:00 a.m. to 5:00 p.m.
www.SunnyvalePlanning.com / www.SunnyvaleBuilding.com

ATTACHMENT C

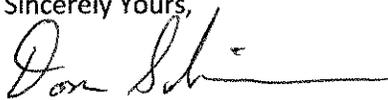
Special Development Permit or Use Permit

City of Sunnyvale
Planning Division
C/O Gerri Caruso
456 West Olive Ave
Sunnyvale, CA 94088

This letter is to request a Special Development Permit or Use permit for a fence extension on the top of existing 3'-6" block wall in the front of our residence at 1678 Wolfe Rd, Sunnyvale 94087.

The reason for my request is because I have recently removed bushes that covered the front yard wall, which over the years grew to 9 feet tall. They were too hard to keep trimmed and maintained, but they did create a sound and privacy barrier against the traffic that builds up in front of our residence on Wolfe Rd. After 6 months we have found that the traffic noise and the cars backed up waiting to get through the intersececion of Wolfe and Homestead (we are the second house from the intersection) now impacts our quality of life and privacy while sitting in our family room that was built in 2008 or sitting on the front patio. So I built a 3' wood extension on top of the existing 3'-6" wall. The problem I have with the code that applies to new front yard fences is that the code states all measurements are from the curb level, which is 18" below the grade of the patio and walkway at the house and would only allow me to build a 1' extension on top of the wall. All the homes on Wolfe have an up sloping graded driveway, so a lot of the front yard fences, including our direct neighbor have fence heights over the limit if measured from the curb. At this time my fence is the same height as my Neighbors fence. I used his fence to mandate my height. I am sorry I did not realize that a permit was required or I would have requested one prior to where we are today. I have put a lot of time and money to improve the esthetics of the front of the residence, I ask that I'm granted a permit and special permission to keep up the wood extension, and would cut 3" off the top, so total height from grade would be 6'.

Sincerely Yours,



Don Scheiman

ATTACHMENT D



FRONT YARD
FENCE NEXT DOOR



ATTACHMENT D
Page 1 of 4

ATTACHM
Page



TOP-CUT OFF

5'

34"

31'

6'

ATTACHMENT D
Page 2 of 4



TOP CUT OFF

31'

5'

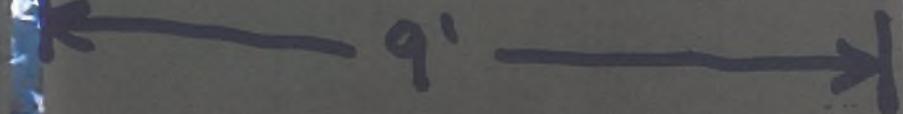
34"

6"

ATTACHMENT D
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FRONT YARD FENCE
OF NEXT DOOR



9'



ATTACHMENT D
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