



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

File #: 17-0989, Version: 1

### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2017-7785

**Location:** 759 Silk Oak Way (APN: 213-15-020)

**Applicant / Owner:** Charles Winkleman (applicant) /Charles E and Juanita J Winkleman Trustee (owner)

**Proposed Project:**

**USE PERMIT** for a 9-foot tall side yard fence of an existing one-story single-family home.

**Reason for Permit:** A Use Permit is required for side yard fences over eight feet in height.

**Project Planner:** Mary Jeyaparakash, (408) 730-7449, mjeyaparakash@sunnyvale.ca.gov

**Issues:** Neighborhood Impacts and Compatibility

**Recommendation:** Approve with Conditions

### PROJECT DESCRIPTION

Zoning District:	<b>R-0</b>	Existing Fence Height	<b>6'-0"</b>
Setback:	<b>0'</b>	Proposed Fence Height	<b>9'-0"</b>

Previous Planning Projects related to Subject Application:	<b>None</b>
Neighborhood Preservation Complaint	<b>None</b>
Deviations from Standard Zoning Requirements	<b>None</b>

**Background:** Sunnyvale Municipal Code (SMC) Chapter 19.48 requires a Use Permit for side yard fences over eight feet in height. Fence height in the side yard is measured from the highest adjoining grade to the highest point of the fence. If a lattice is used, it is included in the total fence height. Any new fence construction is subject to current SMC permitting requirements.

**Site Layout:** The applicant proposes to extend the height of an existing six-foot tall fence to nine-foot tall, as measured from the adjoining grade, for 78 feet length, from the northwest end of the side yard fence to the southeast side of the property. The purpose of the fence is to provide privacy from the adjacent property at 1025 Fern Leaf Drive. This property was recently remodeled in 2016 (Planning Project # 2016-7982). The remodel was a first-story addition to an existing one-story single family home. The addition included increasing the wall and the roof height, adding two windows, a porch with a light fixture and a front door. The windows, porch, and the front door were added to the northeast side of the adjacent property, overlooking the subject property. The front door is accessible through an entrance pathway located along the side of the side yard fence shared between the two

properties. Residents and visitors using this pathway can see through the subject property. These openings and the entrance pathway affect the privacy at the subject property (Attachment 5). The applicant proposes to increase the height of a portion of the side yard fence from six feet to nine feet to improve privacy.

See Attachment 1 for Vicinity and Noticing map, Attachment 2 for Standard Requirements and Recommended Conditions of Approval, Attachment 3 for Site Layout, Attachment 4 for Applicant Justification, and Attachment 5 for Applicant Letter and Justification Photos.

**Fence Design:** The existing fence is made up of solid Hardie Board panels that are six-feet high and six-inches wide unpainted wooded frame. The proposed fence design matches the existing fence with two-feet tall Hardie Board and a one-foot tall lattice. This extension will adjoin the rear yard fence which is seven-feet tall on the north and the side yard fence which is eight-feet tall on the south.

**Neighborhood Impacts / Compatibility:** The extension is proposed to a side yard fence, to the northeast of the subject property. No properties on Silk Oak Way and Fern Leaf Drive were granted Use Permits for fences above eight feet tall. However, the proposed three feet addition to the existing fence is limited to 78 feet from the north end of the side yard fence. The height difference created by this extension is visible only to the subject, adjacent, and rear properties. Hence, the addition to the existing fence will not create any impact on the neighborhood. The side yard fence will be three and a half-foot high for approximately 24 feet from the front property line, to maintain the open front yard character of the neighborhood.

**Public Contact:** 61 notices were sent to surrounding property owners and residents adjacent to the subject site and to the neighborhood association in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. See Attachment 1 for vicinity and noticing map. No letters or calls were received from the public by staff.

**Environmental Determination:** A Categorical Exemption Class 1 (minor alterations to existing structure) relieves this project from CEQA provisions.

## **FINDINGS**

In order to approve the Use Permit, at least one of 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 - Community Character

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

Staff finds that the proposed extension to the existing side yard fence meets the policy listed above. The extension will not be visible from the street, and hence the aesthetics of the street environment is unaltered. Also, the extension will prevent the ability of the residents and visitors of

the subject and the adjacent property to see through each other's properties. This improves their privacy and creates private areas for both the properties.

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.**

Staff finds that the proposed extension to the fence will not impair the orderly development along Silk Oak Way and Fern Leaf Drive. The extension is visible from the side and back yards and openings of the subject, adjacent, and rear properties. However, the maintenance of the existing trees along the side yard fence on the subject property, as required by the conditions of approval should break up the height and soften the appearance of the fence from the subject property. Also, the extension of the fence will enhance the private use of the side and back yards in the two properties.

### **ALTERNATIVES**

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

### **RECOMMENDATION**

Alternative 1: Approve the Use Permit with recommended Conditions in Attachment 2.

Prepared by: Mary Jeyaprakash, Associate Planner

Reviewed by: Ryan Kuchenig, Senior Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Site Layout
4. Applicant Justification
5. Applicant Letter and Justification Photos