



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0367, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2019-7009

Location: 544 Cheyenne Drive (APN: 323-29-004)

Applicant / Owner: Landcon Inc.(Applicant) / Rita And George Tharakan (Owner)

Proposed Project:

USE PERMIT to allow an 8' tall front yard fence.

Reason for Permit: A Use Permit is required for fences over 6' high in a front yard.

Environmental Determination: A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA).

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Compatibility with the neighborhood

Recommendation: Approve with conditions

PROJECT DESCRIPTION

Zoning District:	R-1
Existing	6'-0" tall Redwood fence along reducible front yard
Proposed	8'-0" tall fence and 10'-9" tall entrance feature in the front yard

Previous Planning Projects related to Subject Application:	Yes #2019-7010 Miscellaneous Planning Permit (MPP) - To allow a 10'-6" tall gazebo in the rear yard.
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements	No

Background

Sunnyvale Municipal Code (SMC) Chapter 19.48 requires a Use Permit for front yard fences over six feet in 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. The SMC defines a front yard fence to include any fence located between the face of the building and the street. Any new fence construction is subject to current SMC permitting requirements.

The applicant proposes a 6'-0" high fence with an 8'-9" tall arbor feature, as measured from the finished grade. The subject property is graded 2' above the adjoining curb; therefore, the resulting

fence height is 8'-0" and the arbor feature is 10'-9" from the top of the nearest curb (Attachment 3). The fence will be setback approximately 40 feet from the front property line and zero feet from reducible front property line.

See Attachment 1 for the Vicinity and Noticing map, Attachment 3 for the Site and Architectural Plans, and Attachment 4 for the Use Permit Justification Form.

Fence Design

The proposed fence and arbor feature will match the existing 8'-0" tall Redwood fence along the reducible front yard. The fence will be significantly set back from the front property line (40 feet), thereby, maintaining the open front yard character of the neighborhood. The proposed fence design and location is compatible with the existing fences found elsewhere in the neighborhood, and will improve the aesthetics of the existing streetscape.

Neighborhood Impacts / Compatibility

The proposed fence will replace the existing front yard fence, which does not appear to be in a good condition. The proposed fence will be located outside of the required corner vision triangle, as indicated in Attachment 3, and shall meet SMC Section 19.34.060 requirements.

Public Contact

36 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA). Class 3 Categorical Exemptions includes construction of new accessory structures including fences (CEQA Section 15303 (e)).

FINDINGS

In order to approve the Use Permit the following findings must be made:

1. *Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized 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.*

The proposed fence will be setback 40 feet from the front property line and will maintain the open front yard character of the neighborhood. In addition, the residential fence design will complement the existing house and will add positively to the streetscape.

2. *Ensure 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. **Finding met.**

The proposed fence design and height from grade are similar to other fences found in the neighborhood. The proposal would create a reasonable front courtyard area for private use by the property owner, without creating a walled-off look from the street.

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: Aastha Vashist, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Site and Architectural Plans
4. Use Permit Justification Form