



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-0549, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

SUBJECT

Proposed Project:

VARIANCE: to allow a 6-foot high fence within the driveway vision triangles.

Location: 1345 Eleanor Way (APN: 313-01-048)

File #: 2018-7881

Zoning: R-1 (Low Density Residential)

Applicant / Owner: Patrick Banks (applicant / owner)

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

Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

BACKGROUND

Description of Proposed Project

The applicant requests a Variance to allow a 6-foot high wrought iron fence with wood posts at the front property line and within the 10-foot driveway vision triangles of the project site and the neighboring property to the right (north). The Sunnyvale Municipal Code (SMC) Sections 19.34.060 and 19.48.020 requires fences to be no taller than 3.5 feet in height (or open fences to be 4.5 feet in height) within the driveway vision triangle. A Variance approval is required to consider the fence to be higher than 3.5 feet.

A Vicinity and Noticing Map is provided in Attachment 1, and a Project Data Table is provided in Attachment 2.

Previous Actions on the Site

A Design Review (#2016-8014) application was approved on December 16, 2016, to allow a new one story home resulting in 3,570 square feet of floor area and 30% floor area ratio (FAR). A Neighborhood Preservation complaint (#2018-2828) was opened in October 2018, related to a fence exceeding 4 feet in height at the front property line.

ENVIRONMENTAL REVIEW

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3 consists of the new construction or conversion of small structures such as fences.

DISCUSSION

Site Layout

The subject property is located on a 11,733-square foot lot on the northwest side of a three-way intersection of Eleanor Way and Ramon Drive. The project site is triangular in shape and has three sides; a curved front property line along Eleanor Way, a side property line on the north side, and a rear property line on the west side. The garage and driveway are located on the left (west) side on the property.

The project site is part of the Raynor Neighborhood, which is characterized by larger lots with no sidewalk improvements. The applicant has constructed a 6-foot high wrought iron fence with wooden posts, 8 feet apart, and 1 foot behind the front property line without a permit. There is a 9-foot gravel area between the fence and the edge of the paved road. Staff received a Miscellaneous Plan Permit (MPP) application in October, 2018, to allow the unpermitted 6-foot high fence at the front property line to remain. Included with the MPP application is a secondary 6-foot high wood fence and gate, approximately 22 feet from the front property line, and between the garage and the main house. During staff review of the MPP application for both fences, staff found that portions of the wrought iron fence were located in two driveway vision triangles. One is on the right side of the subject site driveway. The other is at the north property line, adjacent to the neighbor's driveway and within the neighbor's driveway vision triangle. The applicant has requested a Variance to allow for the deviation to the fence height requirement in the driveway vision triangles.

Driveway Vision Triangle / Safety

The intent of the vision triangle requirement is to promote safety and reduce the potential of accidents by providing drivers a better view of pedestrian, bicycle and vehicular traffic.

Many of the properties within the Raynor Neighborhood are larger lots with existing low and/or open type fencing at the front property lines. The proposed fence is higher than the SMC requirement, however, the design of the fence does allow for visibility through the fence to the front yard and driveways, and the 9-foot separation to the edge of the street adds an extra buffer for vehicles on the road or vehicles backing out of the driveways (Attachment 8 - photos of the fence).

The City Transportation and Traffic Division staff has reviewed the proposed project and noted the following:

- Transportation and Traffic Division has received multiple complaints related to cut through traffic from Wolfe Road to El Camino Real via Eleanor Way at high speeds
- The proposed fence does not obstruct the corner vision triangle, due to the angle and shape of the property
- The proposed fence is an open fence design and allows for visibility through the fence, however, there remain concerns related to visual obstacles at the driveway vision triangles for vehicles, pedestrians or bicyclists, who are less than 6 feet in height.

VARIANCE

Variances are intended to address practical difficulties, unnecessary hardships or results inconsistent

with the general purposes of the zoning district, which may occur through the strict application of standard zoning requirements. The applicant has provided a letter of justification for the Variance (Attachment 6) and two letters of support from the adjacent neighbors, including the affected neighbor to the right (Attachment 7).

Staff finds that a physical hardship exists, due to the substandard shape and lot width of the property. Most of the usable yard space is in the front of the house which the applicant wishes to separate from the public right-of-way with a fence. The design of the fence is open wrought iron with good visibility through the fence and along the curved front property line, which helps to soften the look of the fence from the street frontage. The applicant has expressed that removing or reducing the height of the fence in the areas of the vision triangles reduces the enjoyment of the yard space and does not work with the proposed fence design.

While a physical hardship exists, staff has concerns that approval of the Variance will create unsafe conditions at the affected driveways. In addition, there does not appear to be precedence for approving taller fences within driveway vision triangles in this neighborhood. Modifying the existing to maintain driveway vision triangle clearance would still result in a reasonably-sized usable front yard. Therefore, staff recommends that the Variance be denied and that the existing fence be modified to maintain vision triangle clearance.

Public Contact: A total of 75 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. Two letters of support from adjacent neighbors and one letter expressing concerns were received (Attachment 7).

Conclusion:

Staff recommends that the Variance be denied. Regarding the status of the MPP application, staff is supportive of the 6-foot wooden fence located between the garage and the main house, and the 6-foot wrought iron open fence at the front property line with the following modifications:

The applicant shall continue to work with staff to:

- Remove or reduce the height of the fence to 4.5 feet within the 10-foot driveway vision triangles
- Maintain the vegetation and landscaping directly behind the fence to no higher than 3.5 feet at all times to maintain visibility through the fence

ALTERNATIVES

1. Approve the Variance with the recommended Conditions in Attachment 4.
2. Approve the Variance with modifications.
3. Deny the Variance.

RECOMMENDATION

Alternative 3. Deny the Variance.

Prepared by: Momoko Ishijima, Associate Planner

Approved by: Noren Caliva-Lepe, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Site and Architectural Plans
6. Letter from Applicant
7. Letters from Neighbors
8. Photos of the Fence