



DATE: March 18, 2015

AGENDA ITEM # 2

TO: Design Review Commission
FROM: Sean K. Gallegos, Assistant Planner
SUBJECT: 15-V-01 – 705 Raymundo Avenue

RECOMMENDATION:

Approve variance application 15-V-01 subject to the findings and conditions

PROJECT DESCRIPTION

This project is a setback variance to allow a six-foot tall solid wood fence with a setback of three feet where a setback of feet five is required by Code.

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 17,500 square feet
MATERIALS: Wooden fence

BACKGROUND

On September 16, 2013, staff administratively approved a remodel and 666 square-foot one-story addition to extend the existing detached garage, family room and front bedrooms, a new covered porch, and new siding, roofing and windows to the existing one-story structure at the subject site. A building permit was issued on January 14, 2014 and the remodel and addition is currently under construction.

Fences typically do not require permits; however, on December 23, 2014, the Public Works Department issued a “Stop-Work” order for a six-foot tall fence at the subject site due to its proximity to the street. Upon review by the Planning Division, it was determined that the fence, as constructed, was located on private property. The owner was instructed to remove the fence or apply for a setback variance.

DISCUSSION

The subject property is a corner lot with the front facing Raymundo Avenue and the exterior side yard facing Springer Road. As part of the site improvements, the owner is installing new fencing on the property. The City’s fence ordinance (Chapter 14.72) requires a five-foot setback from the exterior side property line for six-foot tall fences. The five-foot setback is intended to provide a landscape area to soften the appearance of the fence. The owner has submitted a variance to allow for a six-foot tall solid wood fence in the exterior side yard setback adjacent to Springer Road. The

fence would have a minimum setback of three feet from the exterior side property line, which would allow for landscaping between the property line and the fence. A cover letter from the owner provides additional information about the variance request (Attachment B).

Most of the nearby properties on the east side of Springer Road within the subdivision, including the subject site, are developed with Springer Road as an exterior side yard. The City's fence code has evolved over time. The original code allowed for tall fences on the exterior side yard property line, which exist on nearby properties. Subsequently, the City changed the code to require a five-foot setback to allow for street improvements and ensure a landscape strip in front of such fencing.

The granting of the fence height variance would be consistent with the objectives of the zoning ordinance. The six-foot tall fence appears in character with nearby fencing. The fence has been designed to allow for a 30-foot visibility triangle at the intersection of Raymundo Avenue and Springer Road. This is 5 feet greater than what is required for the visibility triangle in the City's Fence Regulations (Chapter 14.72) and ensures that the fence will not hinder the visibility for vehicles exiting Raymundo Avenue onto Springer Road. Also, the fence maintains driveway visibility by maintaining a fifteen-foot driveway triangle on either side of the driveway.

The special circumstances that sets this property apart from other similar properties occurs due to the property being a corner lot in a subdivision with lots the exact size and dimensions as other lots in the subdivision (Raymundo Avenue, Vista Grande Avenue and Arroyo Road). The City's zoning code requires that the corner lots are larger and wider than standard lots and compared to standard lots the extra size and width helps mitigate the additional setback on the exterior side yard for fences and structures. Since the lot is a corner lot, it is burdened by an extra setback requirement for fences due to the standard lot sizes in the subdivision. Therefore, the property is deprived the privilege of a normal side yard fence compared to the other lots in the subdivision. The subject property would be deprived privileges enjoyed by other property in the vicinity and under identical zoning classifications since many of the nearby properties have existing six-foot tall fences or walls along Springer Road. To meet the intent of the setback requirement, staff included a condition that requires the property owner to maintain landscaping in front of the fence (Condition No. 2).

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15305 of the California Environmental Quality Act because it involves a minor alteration in a land use limitation such as a setback variance.

Cc: Greg and Juli Eger, Applicant and Owner

Attachments:

- A. Application
- B. Cover Letter
- C. Area and Vicinity Maps

FINDINGS

15-V-01 – 705 Raymundo Avenue

With regard to the fence setback variance, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. The granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
- b. The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
- c. There is a special circumstance applicable to the property due to the size and dimension of the property not being larger and wider than the standard lots in the immediate vicinity within the subdivision. The corner lot is burdened by an extra setback requirement for fences due to the standard lot sizes in the subdivision and it being deprived the privilege of a normal side yard fence compared to the other lots in the subdivision.

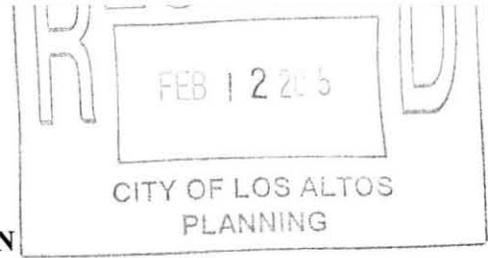
CONDITIONS

15-V-01 – 705 Raymundo Avenue

1. The approval is based on the plans received on February 12, 2015 and the written application materials provided by the applicant, except as may be modified by these conditions.
2. Landscaping shall be provided and maintained along the exterior (west) side property lines between the property line and fence, as approved by the Community Development Director.



ATTACHMENT A



CITY OF LOS ALTOS GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply)

Permit # 1106527

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Sign Review	<input type="checkbox"/>	Multiple-Family Review
<input type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance(s)	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Subdivision Map Review	<input type="checkbox"/>	Commercial Design Review	<input type="checkbox"/>	Other:

Project Address/Location: 705 Raymundo Ave. CA 94024
 Project Proposal/Use: new fence
 Current Use of Property: residence
 Assessor Parcel Number(s) 189-29-62 Site Area: 17500
 New Sq. Ft.: _____ Remodeled Sq. Ft.: _____ Existing Sq. Ft. to Remain: _____
 Total Existing Sq. Ft.: _____ Total Proposed Sq. Ft. (including basement): _____

Applicant's Name: Greg + Juli Eger
 Home Telephone #: 650.888.5561 Business Telephone #: _____
 Mailing Address: above
 City/State/Zip Code: Los Altos, CA 94024

Property Owner's Name: Juli + Greg Eger
 Home Telephone #: 650.888.5561 Business Telephone #: _____
 Mailing Address: 705 Raymundo Ave
 City/State/Zip Code: Los Altos, CA 94024

Architect/Designer's Name: N/A Telephone #: _____

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

(continued on back)

juliannlapp@yahoo.com
 greg.eger@gmail.com

ATTACHMENT B

Dear Design Review Commission,

I am writing to request that you approve the completion of our fence on our property located at: 705 Raymundo Ave in Los Altos. The section of fence concerned here is located on Springer Ave, and set back 3 feet from the side property line, where a setback of 5 feet is required. We are completing a remodel and have decided to move the fence out for aesthetic purposes i.e. current fence placement has our new roof line looking too close. A hedge will be planted in front of the new fence to soften the view from the street.

I believe a variance in our case should be approved for the following reasons:

- 1) Our new fence would line up with the neighbors' fences going two deep on either side, north and south of us on Springer.
- 2) Our current corner lot size is the same as everyone else's in our development-- even though a corner lot has increased setbacks. Los Altos corner properties are supposed to be larger in order to compensate the owner for useful property losses incurred by corner setbacks.
- 3) The variance we are requesting is relatively small-- at 2 feet, and is well within our property line.
- 4) We've designed a fence that exceeds the visibility requirements at the driveway and corner.
- 5) The new fence placement would be more aesthetically pleasing from the street-- with regard to roof lines.

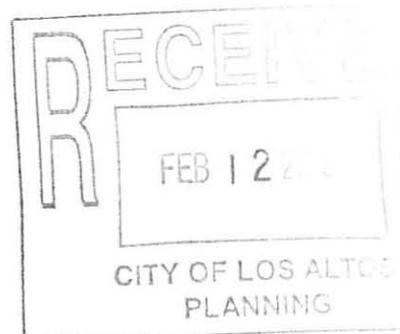
If you drive by our property you will see the 4 by 4 posts that were placed prior to being red tagged in December of 2014, at which time we halted fence construction. Please also notice how our intended fence line lines up with the 4 neighboring properties I mention above.

Thank you for the time you spent in consideration of our project! Please feel free to call or stop by with any questions you may have.

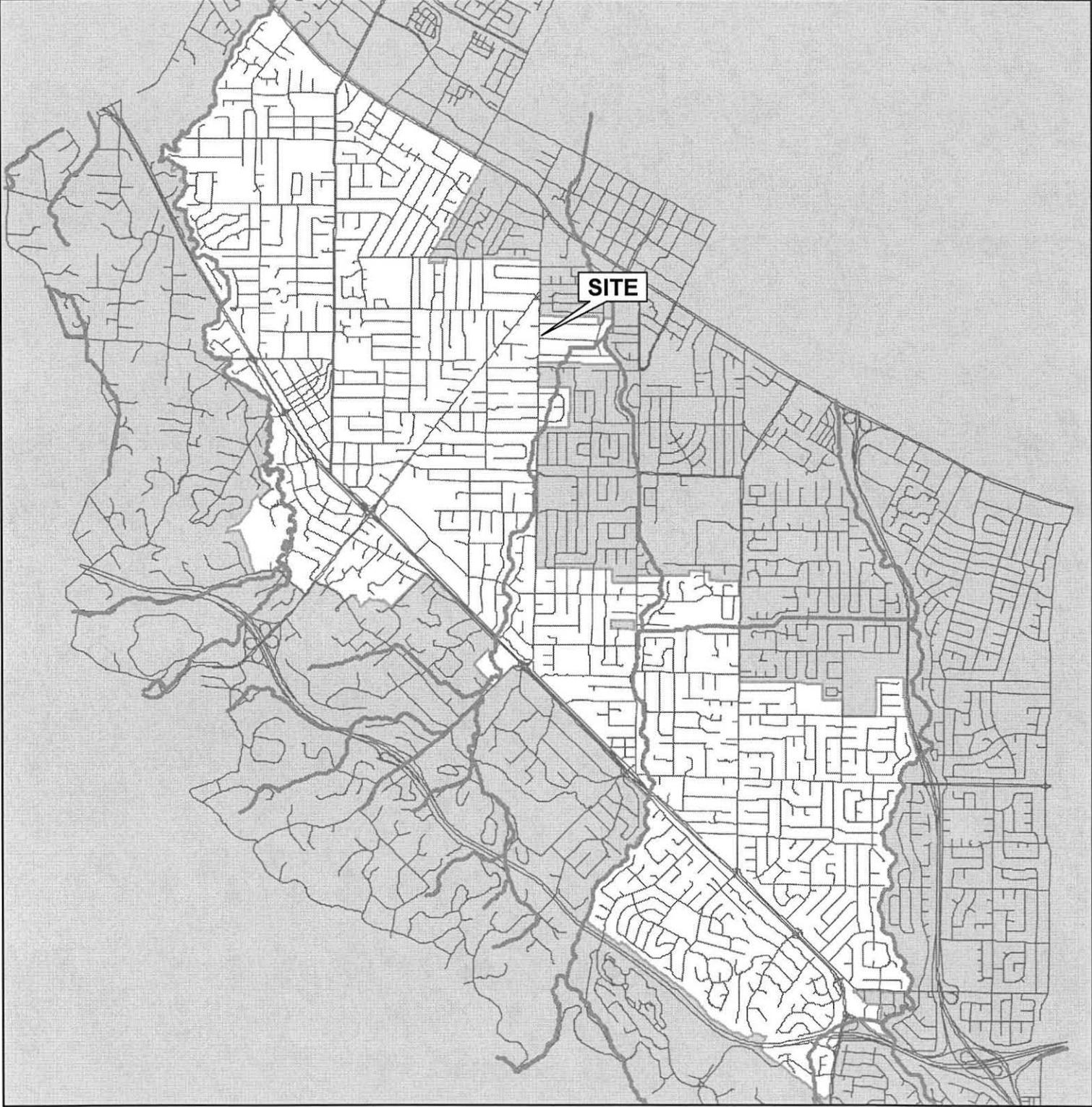
Best,

Juli and Greg Eger

650-888-5561



AREA MAP



CITY OF LOS ALTOS

APPLICATION: 15-V-01
APPLICANT: G. and J. Eger
SITE ADDRESS: 705 Raymundo Avenue

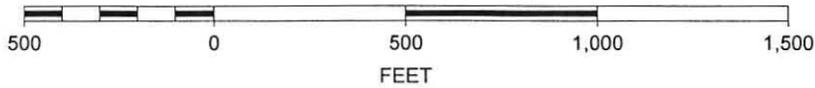


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



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