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## City, neighbors collaborate on controversial new pathway

By MATT WILSON

Students in Cupertino's tri-school area could be taking a new route to school next fall. After months of collaborating with neighbors, the city is set to begin work on an alternate pathway through Blackberry Farm, pending the completion of an environmental review this November.

The new 200-foot-long pathway will include opening a gate at the site and building an access route into the park and across an existing bridge over a creek, providing students in the Monta Vista area a safer route to school.

Initially, the pathway sparked much controversy in the Scenic Circle neighborhood among residents concerned that the path would bring parked cars and late-night parties to the area. The existing path at the site has been closed to the public for the past five

years since neighbors successfully petitioned the city shut the entrance gate.

Neighbors, however, met with city officials to create a plan for the new pathway that will address their concerns while providing students an alternative route to and from school. On Oct. 5, the city council adopted a list of suggestions by Scenic Circle neighbors that will be incorporated into the new pathway plan, whose primary concerns included neighborhood parking and traffic. A sign will be posted on nearby Scenic Boulevard at the neighborhood entry to Blackberry Farm, stating "no park parking beyond this point." If the signs do not work, the city will add permanent "resident parking only" signs throughout the neighborhood and possibly launch a residential permit parking program.

The new access path will allow pedestrian and bicycle access from areas west of Stevens Creek to areas

east of the creek, including Stevens Creek Trail, Blackberry Farm Park, and the nearby tri-school area, which includes Lincoln Elementary, Kennedy Middle and Monta Vista High schools.

The new access gate will be open during park hours and locked during other times. "Raccoon proof" trash receptacles will be provided near the entry gate to cut down on litter and will be emptied daily by Blackberry Farm staff.

Environmental consulting firm David J. Powers, Inc is conducting the environmental review of the project. Design work for the \$180,000 path is under way, and city staff anticipates that the environmental documents will be released in November. Final plans are set to be approved by council in January, and the city could award a construction contract by early 2011.

## Fences

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Longji Su lives in one of the more than 20 homes hit with a potential violation after the neighbor's complaint. He bought his house in 1994 with his illegal 4-foot front yard fence already erected. He said he was not aware of its noncompliant status, nor has he altered the fence. Until recently, Su was unaware that his fence was not in compliance with city or county rules.

"This was a complete surprise to me. I thought everything was fine when I bought my house," he said.

Su did his own neighborhood investigating and believes that more than 40 homes, including about half the homes on Byrne Avenue, have front yard fences not in compliance.

The status of Su's fence is still under investigation, but he said he will do whatever the city wants him to do. He questioned the fairness of having only some residents subject to the ordinance after so many years of what he called neglect.

"Why should some residents have to go through this while others do not? It is not fair, and everyone should be subject to the same rules. Either everyone is in violation or nobody is," he said.

Alex Wykoff, senior code enforcement officer with the city, said that the city enforces the ordinance on a complaint basis. Code enforcement does not patrol looking for violations, and issues are usually brought to light only when a neighbor or resident alerts city hall.

"There is no proactive enforcement done," he said.

The city's municipal code outlines the rationale behind

the fence ordinance. As in most cities, the ordinance promotes community goals, such as preserving neighborhood identity and aesthetics, ensuring neighborhood safety and social interaction and enhancing local Neighborhood Watch programs. Fire officials also have concerns about noncompliant gates being a barrier to emergency response.

Fences taller than 3 feet and driveway gates are not permitted in front yards. Taller fences are allowed at side and rear property lines behind the front yard setback to maintain the privacy and security of a property. Gates on single-family lots are allowed in certain cases by exception.

*For more information about the city's fence ordinance and municipal code, visit [www.cupertino.org](http://www.cupertino.org).*