



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**July 16, 2008**

---

**SUBJECT:**           **2008-0623:** Application located at **1258 and 1259 Albion Lane** in an R-0 (Low Density Residential) Zoning District.

Motion               Use Permit to allow a 10' high sound wall along the rear property lines of two existing residences adjacent to Fremont Avenue.

**REPORT IN BRIEF**

**Existing Site Conditions**           Single-family residences

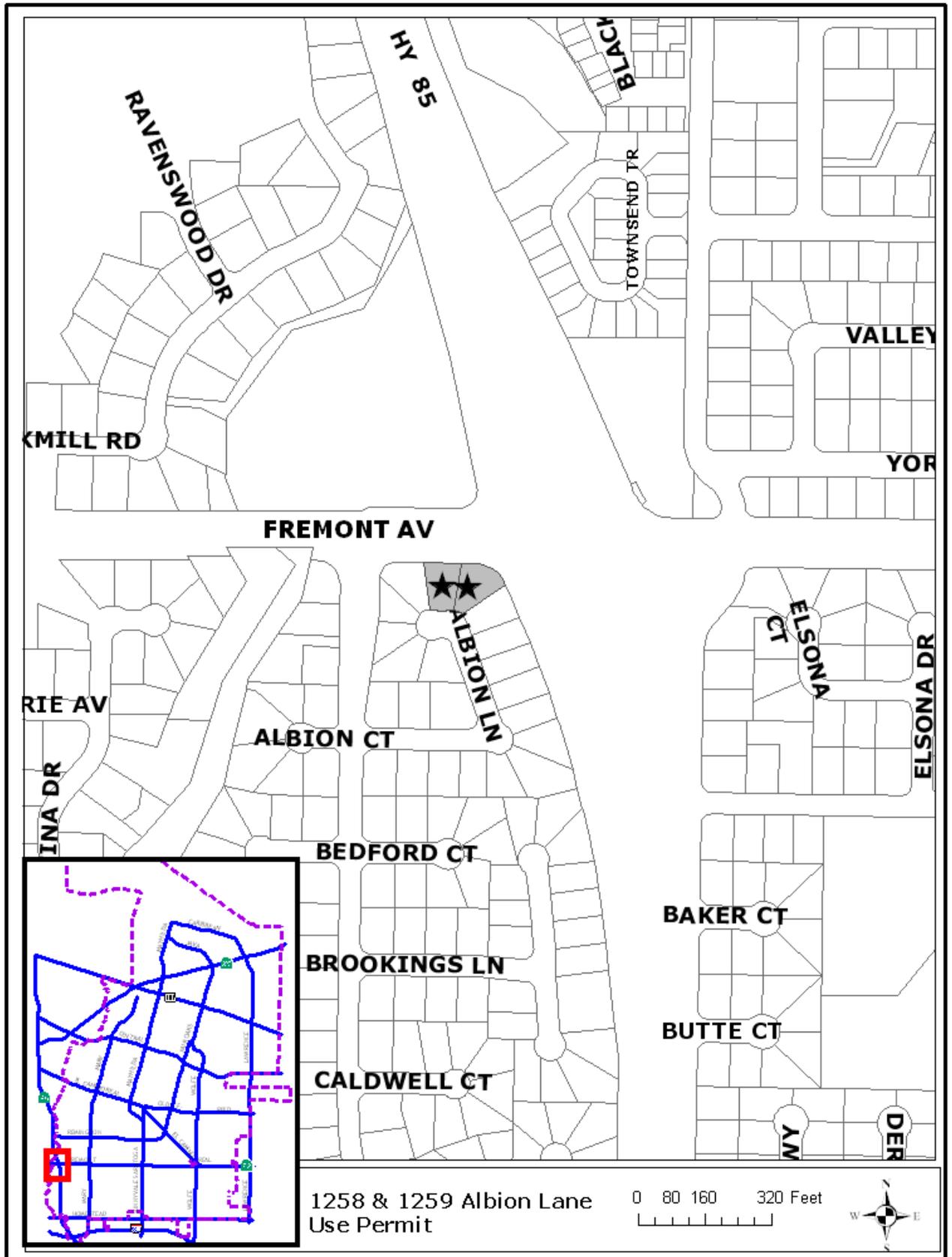
**Surrounding Land Uses**

North	Office (across Fremont Avenue)
South	Single-family residence (across Albion Lane)
East	Single-family residence/Highway 85
West	Single-family residence

**Issues**                               Wall height

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions



**PROJECT DATA TABLE – 1258 Albion Lane (APN: 320-28-038)**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low-Density	Same	Residential Low-Density
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	9,318	Same	6,000 min.
<b>Gross Floor Area (s.f.)</b>	2,492	Same	4,193 max.
<b>Lot Coverage (%)</b>	26.7%	Same	45% max.
<b>Floor Area Ratio (%)</b>	26.7%	Same	45% max. without PC review

**PROJECT DATA TABLE – 1259 Albion Lane (APN: 320-28-039)**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low-Density	Same	Residential Low-Density
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	8,012	Same	6,000 min.
<b>Gross Floor Area (s.f.)</b>	2,314	Same	3,605 max.
<b>Lot Coverage (%)</b>	28.9%	Same	45% max.
<b>Floor Area Ratio (%)</b>	28.9%	Same	45% max. without PC review

**ANALYSIS****Description of Proposed Project**

The applicants propose to construct a concrete sound wall with a height of 10' along their rear property lines adjacent to Fremont Avenue. The wall will replace a previously-existing 8' sound wall in the same location, which was recently demolished due to structural issues.

## **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject sites.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2008-0517 and 2008- 0519	Miscellaneous Plan Permits to allow temporary chain link fencing after wall demolition	Staff Review / Approved	05/09/2008
1976-0692	Tract Map to allow subdivision into 40 lots	Planning Commission / Approved	04/12/1976
1972-0444	Special Development Permit to allow development of 166 single-family homes	Planning Commission / Approved	04/10/1972

When the original Special Development Permit for this housing development was reviewed in 1972, a noise analysis was conducted as part of the environmental review. This analysis resulted in a requirement to construct a masonry sound wall behind the homes (along Fremont Avenue) as a noise attenuation measure. When the property was subdivided in 1976 to create both of the subject lots, a 2'-wide fence easement was established along the rear property lines to provide space for this required sound wall.

In May of 2008, the previously-existing sound wall behind the properties on Albion Lane was demolished, as it had become structurally unsound and was posing a hazard. The applicants are now proposing to reconstruct the wall with a different design and increase its height by 2'. The adjacent property at 1261 Albion Lane received approval on June 11, 2008 (Use Permit #2008-0498) to construct a 10' sound wall with the same design proposed by the applicants.

## **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor modifications and additions to existing facilities.

## **Use Permit**

**Site Layout:** The subject sites fronts on Albion Lane, but their rear property lines is adjacent to Fremont Avenue. Surrounding uses are single-family residential to the west, east, and south. A multi-story office building is located

across Fremont Avenue to the north. The site located at 1258 Albion Lane is also adjacent to the entrance ramp for Highway 85, and the subject sound wall will be located directly adjacent to the Caltrans freeway sound wall. The grades of the subject properties are higher than the top of the adjacent street curb. In the rear yard, the grades of the properties vary from approximately 1'6" to 2'6" above the top of the adjacent curb.

**Proposed Design and Justifications:** The previously-existing sound wall on the properties was a pre-cast concrete wall. It was stamped to give the appearance of small split-face masonry units, and was painted (see Attachment F – Site Photographs). The previous wall, which extended the length of the subdivision along Fremont Avenue, had a height varying from 6' to approximately 8' as measured from the top of the adjacent curb. It is not clear whether the original wall varied in height, or whether additional materials were added to the top of the wall by residents over the years. Along the rear of the subject site, the height of the previously-existing wall was approximately 8' as measured from the top of the adjacent curb.

The applicants are proposing to reconstruct the sound wall with a different design and an increased height. The proposed wall will vary from 10' from the top of the adjacent curb (approximately 8' feet from the grade on the interior of the site). It will consist of individual concrete masonry units (CMU) with a split-face appearance on the exterior and a smooth face appearance on the interior facing the residence. Structural piers will have a combed appearance and will be topped with smooth column caps (see Attachment C – Site and Architectural Plans). Currently, the piers are proposed approximately every 15 feet, but additional piers with closer spacing may be needed for structural reasons. The applicants are not proposing to paint the new wall, as painted walls require additional maintenance to keep up a high-quality appearance. This design is the same as the design approved for the neighboring property at 1261 Albion Lane (#2008-0498). Staff notes that the current plans do not necessarily include a structural pier on the property line separating the two subject sites. Demolition of the previously-existing sound wall was difficult because structural piers were not located on property lines and cooperation between neighbors became an issue. Staff is recommending Condition of Approval 3.C requiring that a structural pier be placed on the property line between the two subject properties (Attachment B).

The applicants' justification for the additional wall height is noise mitigation. According to the applicants, there is significant traffic noise along Fremont Avenue which was not sufficiently mitigated by the previous 8-foot wall. During site visits, staff noted significant noise in the rear yards of the homes along Albion lane, which appeared to be the result of traffic along Fremont Avenue.

**Compliance with Development Standards/Guidelines:** Fences and walls greater than 7 feet tall along side and rear property lines require a Use Permit. A Building permit is also required for any fence or wall exceeding 6 feet in height.

The Single-Family Home Design Techniques encourage wood fencing with an open appearance and a maximum height of 6 feet where possible. However, as noted previously, a masonry sound wall is required noise mitigation for these sites. As a result, open wood fencing is not an option. The height of the proposed wall is taller than the maximum height recommended in the Design Techniques. However, the proposed wall will be located along a busy street and will not face any residential uses, as the use across the street is a multi-story office building. Adjacent residences on either side also have concrete sound walls and should not be negatively affected by the proposed wall. Given the site conditions and the noise mitigation requirement, staff finds the design of the proposed sound wall to be attractive and consistent with current development standards and guidelines.

**Expected Impact on the Surroundings:** The proposed sound wall will not be visible from Albion Lane. The wall will be visible from the adjacent residences on either side of the subject properties, all of which have similar sound walls. Although the wall will be significantly visible from Fremont Avenue, it is similar to the previous sound wall, has a high-quality design. It is also identical to the design approved for the adjacent property at 1261 Albion Lane, resulting in visual continuity. The proposed wall is not expected to have any negative impact on the streetscape or surrounding neighborhood.

## **FISCAL IMPACT**

---

No fiscal impacts other than normal fees and taxes are expected.

## **PUBLIC CONTACT**

---

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 7 notices mailed to property owners and residents adjacent to the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Web site</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• Posted on the City of Sunnyvale's Web site</li> </ul>

Staff has not received any public comments related to this project.

---

---

**CONCLUSION**

---

---

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Use Permit. Recommended Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Recommended Conditions of Approval are located in Attachment B.

---

---

**ALTERNATIVES**

---

---

1. Approve the Use Permit with the attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit

---

---

**RECOMMENDATION**

---

---

Alternative 1

Prepared by:

Mariya Hodge  
Project Planner

Reviewed by:

Andrew Miner  
Principal Planner

**Attachments:**

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Project Justifications
- E. Site Photographs

**Recommended Findings - Use Permit**

---

Goals and Policies that relate to this project are:

**Land Use and Transportation Action Statement - N1.1.1** – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

**Single Family Home Design Techniques - 3.11.G** – *Side fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged. For side property lines abutting a public street, low fencing is encouraged. However, when privacy is at issue, fences should be constructed of wood up to a maximum height of six feet with at least the top twelve inches constructed of wood lattice to soften the visual appearance of the fence top. Chain link fencing is strongly discouraged.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The subject sound wall provides the property owner with noise attenuation and privacy without compromising the aesthetics of the neighborhood. Although the Single-Family Home Design Techniques generally call for open wood fences, a masonry sound wall is required to adequately mitigate noise at these sites. The design of the wall is attractive and will contribute positively to the streetscape and surrounding neighborhood. The proposed wall will provide the property owners with noise attenuation and visual screening to enhance the character of the surrounding neighborhood. The height of the proposed wall is taller than the maximum height recommended in the Design Techniques. However, the proposed wall will be located along a busy street and will not face any residential uses, as the use across the street is a multi-story office building. The adjacent residences on either side have similar sound walls.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The proposed sound wall will not be visible from Albion Lane. The wall will be visible from the adjacent residences on either side of the subject property, all of which have similar sound walls. Although the wall will be significantly visible from Fremont Avenue, it is similar to the previous sound wall, has a high-quality design, and is not expected to have any negative impact on the streetscape or surrounding neighborhood.

**Recommended Conditions of Approval - Use Permit**

---

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Execute a Use Permit document prior to issuance of the Building permit.
- B. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes require approval at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

**2. OBTAIN OTHER PERMITS**

- A. Obtain Building permits prior to construction. A separate permit is required for each property.
- B. Obtain any necessary encroachment permits from the City's Department of Public Works and from Caltrans. A separate permit is required for each property.

**3. DESIGN AND LOCATION**

- A. The subject wall shall have a maximum height of 10 feet as measured from the top of the nearest public curb.
- B. The subject wall shall be constructed in the 2-foot fence easement adjacent to the rear property line as shown on the Tract Map for the subdivision.
- C. A structural pier shall be located along the property line separating 1258 Albion Lane and 1259 Albion Lane.