



Council Meeting: April 7, 2009

SUBJECT: **2008-0117:** Appeal by the applicant of a decision by the Planning Commission denying an application for a site located at **520 Carroll Street** (at Bishop Ave.) in an R-0 (Low Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.46.140 to allow a parked recreational vehicle in the corner vision triangle.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

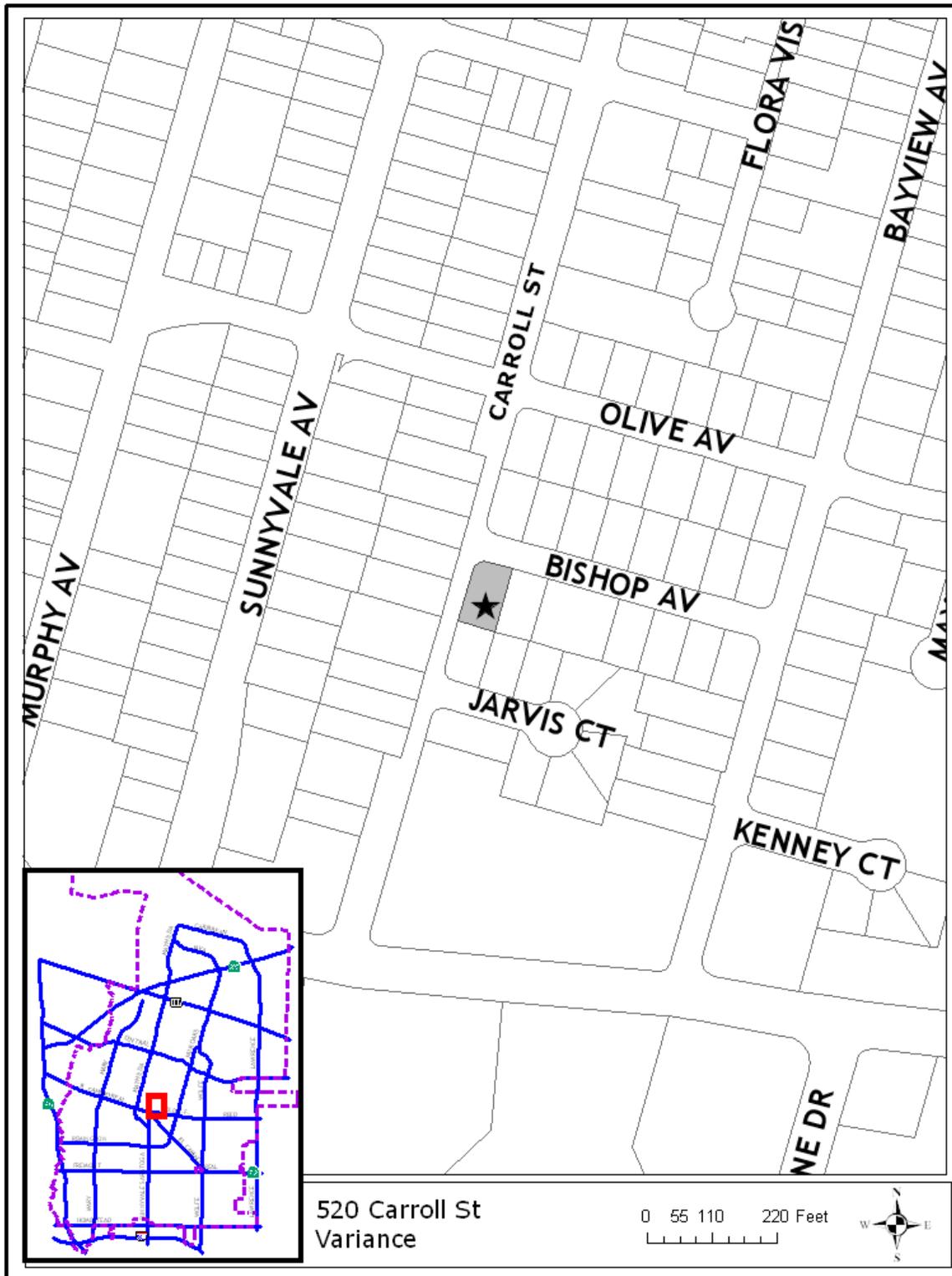
North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Maintaining appropriate visibility for safety at a street corner

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

Planning Commission Decision Denied the Variance due to inability to make the required findings.

Staff Recommendation Uphold the decision of the Planning Commission and deny the Variance due to inability to make required findings



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Residential Low Density	Residential Low Density
Zoning District	R-0	R-0	R-0
Lot Size (s.f.)	7,102	Same	6,000 min.
Gross Floor Area (s.f.)	2,695	Same	N/A
Height of R.V.	Approx. 11'	Same	3' in vision triangle
No. of Units	1	1	1 max.
Parking			
Total Spaces	5 2- driveway 2-garage 1- r.v.	Same	4 min.
Covered Spaces	2	2	2 min.

ANALYSIS**Description of Proposed Project**

The project site is a single-family home located on a corner lot. The applicants constructed a concrete pad for a parking space for a 33' 8" long recreational vehicle (RV) next to the garage and driveway within the front yard setback. When parked in its designated space, the corner of the RV extends approximately 15 feet into the corner vision triangle which is an area required to be maintained free of visual obstructions at street corners. The RV is approximately 11 feet in height.

The Bishop Street frontage (where the side of the house with the garage and R.V. are located) is, by code definition, considered the property's front yard; however, the front entrance of the house faces Carroll Street. By code, the Carroll Street frontage is actually the reducible front yard. Typically reducible front yards are screened in with fencing, but in this case the front door of the home faces Carroll Street and the yard is open to view and functions as a front yard.

Background

Previous Actions on the Site: An Administrative Hearing was held for this project on March 12, 2008. The applicant and neighbors in the project vicinity gave public testimony. Minutes from that hearing are attached to this report (Attachment G). The Administrative Hearing Officer denied the Variance request due to inability to make the required Findings (Attachment A).

The applicant appealed the decision to the Planning Commission, and the applicant's appeal letter is attached to this report (Attachment H). The applicant has stated that there are exceptional circumstances on the site, because there are no other options available to park the 33 foot long RV. According to the applicant the placement of the RV allows for safe vision for cars approaching the corner and is a better option than parking on the street near the corner. The applicant also indicates that there are many properties in the City that have vision triangle obstructions with buildings or landscaping, so granting this Variance will not constitute a special privilege.

Minutes from the Planning Commission hearing of July 28, 2009 are attached. The Commission took public testimony and upheld the decision of the Administrative hearing Officer and, therefore, denied the Variance to park the RV in the vision triangle.

The applicant has appealed the Planning Commission decision to the City Council.

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 alterations to private facilities that involve negligible changes to land use.

Variance

The Variance request is to allow an RV to be partially parked within the corner vision triangle as indicated on the site plan in Attachment 3. Except in a corner vision triangle on corner lots, parking is allowed in the required front and side yards in all residential zoning districts.

Single stem plants and trees that do not have foliage between a height of three feet and eight feet may also be located within any vision triangle.

Parking/Circulation:

The only consideration for this application is the request to have a portion of the subject RV located within the corner vision triangle. All other aspects of the project meet current City code for parking on residential property.

Title 9 and 19 do not prohibit the parking of RVs, trailers, boats, or any oversized vehicles in the front yard area but provide regulations for doing so. In 2003 the City considered a study issue that addressed the potential aesthetic impacts that RV, trailer, and boat parking could have on residential neighborhoods. The study issue was conducted in response to issues that were raised by Sunnyvale residents who were concerned with RVs parked in their neighborhoods. The City Council determined that recreational vehicles parked perpendicular to the front yard would meet appropriate aesthetic standards for residential neighborhoods. The following sections from the City's Municipal Code deal specifically with parking on private property:

- The parking area shall not cover more than 50% of the required front yard area (SMC 19.46.140);
- The front yard cannot be covered with more than 50% of impervious surface (SMC 19.32.060);
- There is no parking allowed in the 40 foot corner lot vision triangle area (SMC 19.46.140);
- All vehicles must be parked on a permanent paved surface such as asphalt, Portland Cement or other approved stabilized permanent surface (SMC 19.46.120);
- Inoperable vehicles parked on private property cannot be parked for longer than 72 consecutive hours (SMC 9.24.180). Effective January 1, 2005, in addition to complying with the requirements set forth in subsection (a), all recreational vehicles, trailers and boats parked in a front yard must be parked perpendicular to the street, unless the legal driveway configuration dictates otherwise.

Effective January 1, 2005, in addition to complying with the above regulations, all recreational vehicles, trailers and boats parked in a front yard must be parked perpendicular to the street, unless the legal driveway configuration dictates otherwise.

Generally, as long as RVs, trailers, and boats are parked such that they are located on a paved surface, perpendicular to the house, do not cover more than 50% of the front yard area, and do not block visibility at a driveway or intersection, then they are in compliance with current City regulations.

The corner vision triangle is reserved to be free from visual obstructions in order to allow adequate visibility to vehicles, pedestrians and bicycles at street corners. In this case the approximately 11 foot tall RV blocks the farthest eastern edge of the vision triangle from the corner Bishop Street and Carroll

Street. Although the RV is not a permanent structure, it is substantial enough to cause a visual impact. The only way that the City could protect the corner is to install a three way stop sign at the corner; however, the volume of traffic at the subject corner does not warrant a stop sign and the City would be setting a precedent to install one just to allow a Variance from parking regulations on private property.

There are no other options available to the applicant on their property. The rear yard setback is too shallow to allow the RV access to the rear yard. Parking in the reducible front yard would block the front door to the house and would result in the negative visual condition that the code was written to avoid. The RV could be parked on the street (including near the corner where it has an impact to vision) as long as it is moved every 72 hours. Without the Variance, the applicant will need to consider off-site storage.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 25 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

An Administrative Hearing was held to consider this application on March 12, 2008. The applicant and neighbors in the project vicinity gave public testimony. Minutes from that hearing are attached. The application was denied at the Administrative Hearing.

The project was appealed to the Planning Commission and considered at a hearing on July 28, 2008. The Commission upheld the decision of the Administrative Hearing Officer and denied the appeal. This hearing is to consider an appeal of the Planning Commission decision that was filed by the applicant.

In addition to members of the public that spoke at or submitted written comments for the previous Planning Commission hearing, staff has received one phone call in support of the project and is aware that one other member of the public came in to review the plans.

Conclusion

Discussion:

In order to grant a Variance three Findings are required. Based on the information provided by the applicant as well as field visits, staff does not believe the Findings can be met. Findings are located in Attachment A

Staff is recommending that the City Council uphold the decision of the Planning Commission and deny this project because the Findings (Attachment A) can not be made. Staff has taken the applicant's appeal into consideration; however, staff continues to believe the Findings for a Variance can not be made as outlined in Attachment A. Staff concludes that safe vision at the corner will be impaired based on the City's adopted standard to protect a 40-foot vision triangle. If the City Council is able to make the required findings, staff is recommending the Conditions of Approval located in Attachment B.

Alternatives

1. Uphold the decision of the Planning Commission Administrative and deny the Variance.
2. Approve the Variance with recommended Conditions of Approval
3. Approve the Variance with modified Conditions of Approval.

Recommendation

Staff recommends Alternative 1.

Reviewed by:

Hanson Hom
Director of Community Development
Reviewed by Trudi Ryan, Planning Officer
Prepared by Gerri Caruso, Principal Planner

Approved by:

Gary Luebbers
City Manager

Attachments:

- A. Findings
- B. Recommended Conditions of Approval
- C. Site Plan
- D. Justifications from the Applicant
- E. Photos from the Applicant
- F. Letters from other neighbors in support
- G. Minutes from Administrative Hearing March 12, 2008
- H. Appeal letter from Applicant
- I. Minutes from Planning Commission hearing on July 28, 2009
- J. Appeal letter from Applicant

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. *Finding not met.*

Staff believes that there are no exceptional circumstances on this property that restrict the parking of an R.V. Although some conditions make it difficult to park a large R.V. such as the shallow rear yard setback, lack of access space to the rear yard from Carroll Street and the orientation of the front of the house towards Carroll Street (reducible front yard). These circumstances are not that unusual for corner lots through out the City. The applicant's chosen location is optimal for R.V. parking. The Variance however, is necessary due to the size of the R.V. not to the restrictions of the property. A smaller R.V. or camper truck could fit within the parking space provided and still be outside the corner vision triangle.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. *Finding not met.*

Granting of the Variance will be detrimental to the property, improvements and uses in the immediate vicinity because safe vision at the street corner will be impaired based on City standards to maintain a 40-foot vision triangle.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. *Finding not met.*

Allowing an r.v to park in the corner vision triangle would be a special privilege. The corner vision triangle is preserved to create a safe condition for vehicles, pedestrians and bicycles. Parking in the vision triangle is restricted on all corner lots, and installing traffic control measures to allow parking on the applicant's lot would be a special privilege not enjoyed by or offered to others.

Recommended Conditions of Approval - Variance

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. 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 may be approved at a public hearing.
- B. The Variance for the R.V. parking space use shall expire if the use is discontinued for a period of one year or more.
- C. The Variance 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.

VARIANCE JUSTIFICATIONS for 520 Carroll Street

1. There is no where else on the property to park the RV other than its current location. The rear setback of the property is 10'; the RV is 8'8.5" wide, plus mirrors protruding 13" on each side, making it 10' 10.5" wide. Also assessibility to the furnace/ water heater room is within the rear set back and should not be blocked. The left side setback of the property is 7'. The ordinance denies us privileges other property owners in our zoning district have, who are able to park their RV's on their property, solely because we have a corner lot. It would also deny us immediate access to the RV and deny us the ability to check on the security of the RV.
2. Parking of the RV in its current location would not be detrimental to public welfare because only a small portion (approximately $\frac{1}{4}$) of the RV is in the corner vision triangle. (See attachment A) There is still adequate vision of oncoming traffic from any angle when entering or exiting Bishop Street. (see attached pictures) Bishop Street is only one block long and traffic on it is generally very limited.

The RV is not a permanent fixture. Neither the house nor the land have been permanently altered. Therefore, parking our RV on our lot is not injurious to the property or a detriment to the surrounding area.

3. Visibility is still sufficient for safe driving when the RV is parked on the property. Other corner lots in the neighborhood do not have clear vision triangles as outlined by the ordinance, and traffic has not been compromised. Other property owners in the neighborhood and zoning district are able to park their RV parallel to their garage and driveway. Therefore, no special privileges would be given to the property owners upon granting of the variance.



Driver's view from Carroll St. looking right at Bishop St.

ATTACHMENT 15
Page 1 of 5



ATTACHMENT E
Page 2 of 3

Turning left from Carroll Street to Bishop Street



Driver's view when exiting Bishop St. to Carroll St.

ATTACHMENT FPage 1 of 9

Gerri Caruso - File Number 2008-0117

From: Elsie Willhalm <~~willhalm@yah~~>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/6/2008 9:09 AM
Subject: File Number 2008-0117

Before making a statement, I want to let you know my background in Sunnyvale. I have resided in Sunnyvale for fifty-four years. I have seen 3-4 downtown malls come and go. I have seen the demolished of Murphy Street and now it's new growth. I have seen the apricot orchards come and go. I have seen the canneries come and go. So needless to say I have a long time commitment to this area.

I believe that the variance from Sunnyvale Municipal Code Section 19.46.140 referenced in file number 2008-0117 be approved. The Gimenez family has been a stable entity in this City dating back to Murphy Street. They built their home in Sunnyvale back in 1978. They have recently redone their landscaping to house their mobile home. They discussed the remodel with their neighbors and were encourage to do it. The remodel was done and the yard and motor home slab was completed.

I have passed there home on Carroll several times over the years. The motor home now is out of the way for traffic on Carroll. You have an unobstructed view of vehicles traveling up and down on Carroll and onto Bishop. the motor home currently is barely visible on Carroll. With the upcoming remodeling of Camino Medical Group buildings on Old San Francisco Road and Carroll, having the motor home in its new location will help alleviate traffic congestion during the remodel.

The majority of their neighbors are happy with the new location except for one person. Being of the old school the majority wins. I request that you approve their variance.

Elsie M. Willhalm
1633 Eagle Drive
Sunnyvale, CA 94087

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. [Try it now.](#)

ATTACHMENT F

Page 2 of 9

From: Ron Ritucci <~~ron.ritucci@ci.sunnyvale.ca.us~~>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/5/2008 8:12 AM
Subject: 2008-0117 520 Carroll Street (APN: 209-31-026)

Dear Ms. Caruso,

As a Sunnyvale resident who frequently uses Carroll Street for access to Old San Francisco Road, and the businesses in the area, I would like to respectfully submit my comments regarding the applicant's request for a variance at 520 Carroll Street.

I have noticed with interest and approval the homeowner's recent home-improvement and landscaping projects, and I feel they were undertaken with the intent of not only upgrading their personal residence but also improving the attractiveness of the neighborhood. I also feel they've taken appropriate steps to mitigate the presence of their recreational vehicle, and therefore have no objection at all to their request for the variance to allow them to park in the "corner vision triangle".

Should you have any questions, please feel free to contact me at 408-245-2646.

Sincerely,

Ronald R. Ritucci
560 So. Taaffe Street
Sunnyvale, CA 94086

Gerri Caruso - Variance for 520 Carroll Street

ATTACHMENT F

Page 3 of 9

From: Frank Moreno <[REDACTED]>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/9/2008 5:25 PM
Subject: Variance for 520 Carroll Street

Gerri Caruso,

Regarding the variance for the residence on 520 Carroll Street, Giminez. I do not see any problem with them parking their RV in their yard. I drive pass and can see around the corner with out any problem. Even if I am on Bishop going onto Carrol or versa; their still is not a visual or hazard problem.

Frank & Kathy Moreno
residence of Sunnyvale

Gerri Caruso - variance on Carroll

ATTACHMENT F
Page 4 of 9

From: "Cynthia Wright" <[REDACTED]>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/10/2008 9:02 AM
Subject: variance on Carroll

I recently was walking on Carroll Ave and saw the posting. I'm amazed that the City would waste time with such nonsense. The owners did a nice job landscaping to meet city eye appeal. Please note that all over Sunnyvale residents have tall bushes and hedges that block views more this this does. I've seen broken down cars in drive ways and large trucks that are parked and can't see around any on them.

I hope you will allow the residents to keep their property as they carefully plan it to make it attractive.

A 60 year Sunnyvale resident!!

ATTACHMENT F

Page 5 of 9

From: vincent fernandez [REDACTED]
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/11/2008 11:20 AM
Subject: file number 2008-0117

I live on Bishop Avenue and have no problems with the motor home parked on the corner lot. The motor home has been accomodated next to the garage. The area has been landscaped to make the view pleasant. The motor home blends in with the home because the colors are similar.

Vincent J. Fernandez

ATTACHMENT F
Page 6 of 9

Gerri Caruso - File number 2008-0117

From: "Martin, Josh (MED US)" <[REDACTED]>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/11/2008 3:34 PM
Subject: File number 2008-0117

This is in reference to file number 2008-0117, the variance to allow the motor home to be parked at 520 Carroll St. (at the corner of Bishop St).

My wife and I often drive down Bishop St. when the motor home is parked on the property and find no problem being able to see either direction on Carroll St when attempting to cross to our driveway. The vehicle has been parked as close to the house as possible and does not pose any visual problems, either.

As a neighbor who lives directly across from Chris and Cindy's, I have no problem with him parking the motor home on his property and hope you will approve the variance.

Josh and Kim Martin
519 Carroll St.
Sunnyvale, CA 94086
Home phone: 408-749-8134

This message and any included attachments are from Siemens Medical Solutions

and are intended only for the addressee(s).

The information contained herein may include trade secrets or privileged or otherwise confidential information. Unauthorized review, forwarding, printing, copying, distributing, or using such information is strictly prohibited and may be unlawful. If you received this message in error, or have reason to believe you are not authorized to receive it, please promptly delete this message and notify the sender by e-mail with a copy to Central.SecurityOffice@siemens.com

Thank you

ATTACHMENT F
Page 7 of 9

Gerri Caruso - file number 2008-0117, 520 Carroll Street

From: Gustav Larsson <[REDACTED]>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/12/2008 1:09 AM
Subject: file number 2008-0117, 520 Carroll Street

After reviewing the staff report for file number 2008-0117, I am writing to express my support for granting the variance at 520 Carroll Street. I live at 305 Bishop Avenue in Sunnyvale, directly across the street from 520 Carroll. I have lived at this address and owned the property since 1999.

When I drive through the intersection of Bishop and Carroll, which I do almost daily, my vision is limited by cars legally parked near the corner and not by the R.V. parked in the driveway at 520 Carroll. I hardly notice the R.V. because I am too busy trying to see through parked cars due their height (vans, pickups, and SUVs), window tinting, etc. Indeed, legally parking the R.V. on the street would limit corner visibility far more than parking it in the driveway. Therefore, from a safety perspective I request that the variance be granted.

Thank you,

Gustav Larsson
305 Bishop Avenue
Sunnyvale, CA 94086

Looking for last minute shopping deals? [Find them fast with Yahoo! Search.](#)

ATTACHMENT F
Page 8 of 9

Gerri Caruso - Variance Request

From: "Donna Phillips" <[REDACTED]>
To: <gcaruso@ci.sunnyvale.ca.us>
Date: 3/12/2008 7:10 AM
Subject: Variance Request

Dear Gerri:

It has come to my attention that there is concern about a motor home that is parked on a driveway on the corner of Bishop and Carroll Avenues.

For years I have visited the Giminez home and when I have, I have driven from Old San Francisco Road, to Bayview and then left onto Carroll. As they would prepare for a trip and temporarily park their motor home on the street, I found I would have to stop prior to the corner in order to look for cars between the motor home and the house that were coming up Carroll toward Bishop. Then I would pull up to the corner and hope that someone hadn't come around another corner or off the court and that it was still safe to proceed.

With the motor home on the driveway, there is now a clear view of the street and oncoming traffic making it safer to pull out onto Carroll.

I hope that the city will grant this waver in order to make that corner safe for all who travel on Carroll.

Donna Phillips

943 Erica Drive
Sunnyvale, CA 94086

408-733-6965

ATTACHMENT FPage 9 of 9

Gerri Caruso - File # 2008-0117

From: "Espinoza, Steven Frank" <[REDACTED]>
To: "gcaruso@ci.sunnyvale.ca.us" <gcaruso@ci.sunnyvale.ca.us>
Date: 3/8/2008 6:27 PM
Subject: File # 2008-0117

Greetings,

I am a neighbor of the owner at 520 Carroll St. He explained to me that one of the neighbors on Bishop had complained about his RV, which is parked on his property. I would like to respectfully disagree with the complaint. In the past, the RV used to be parked on Carroll St. That made the street much smaller and was less attractive. When the owner put the money in to move his RV onto his own property, I was delighted. Not only does it open up the street, but it makes it much easier to see traffic coming off Bishop onto Carroll. Moving it back onto Carroll is a mistake in my opinion. Please allow the owner to keep the RV on his own property.

Thank you,

Steve Espinoza

Hewlett-Packard Company
Account Delivery Manager
Imaging and Printing Services
877.274.3630 (work)
408 737-7217 (home)



**CITY OF SUNNYVALE
ADMINISTRATIVE HEARING**

ATTACHMENT G
Page 1 of 2

**MINUTES
Wednesday, March 12, 2008**

2008-0117: Application for a Variance from Sunnyvale Municipal Code section 19.46.140 to allow a parked recreational vehicle in the corner vision triangle. The property is located at **520 Carroll Street** (at Bishop Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 209-31-026) GC

In attendance: Cynthia Gimenez, Applicant; Gustav Larsson, Neighbor; John Doupe, Neighbor; Barry Brewer, Neighbor; Bill Wright, Neighbor; Tony Moore, Neighbor; Andrew Miner, Administrative Hearing Officer; Gerri Caruso, Project Planner; Luis Uribe, Staff Office Assistant.

Mr. Andrew Miner, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

Gerri Caruso, Project Planner, stated that the project site is a single-family home located on a corner lot. The applicants constructed a concrete pad for a parking space for a 33' 8" long recreational vehicle (R.V.) next to the garage and driveway within the front yard setback. When parked in its designated space, the corner of the R.V. extends approximately 15 feet into the corner vision triangle which is an area required to be maintained free of visual obstructions at street corners. The R.V. is approximately 11 feet in height.

The Bishop Street frontage (where the side of the house with the garage and R.V. are located) is considered the property's front yard; however, the front entrance of the house faces Carroll Street. By code definition the Carroll Street frontage is actually the reducible front yard. Typically reducible front yards are screened in with fencing, but in this case the front door of the home faces Carroll Street and the yard is open to view and functions as a front yard. Since the report was circulated staff has received numerous emails in support of the project. Mr. Miner asked if any other similar applications have been approved, Ms. Caruso stated that the city has never approved a variance that created an increased non conformity. Ms. Caruso added a condition that if over time the public sidewalk or curb is damaged due to the entrance and exit of the R.V. that the applicant will be responsible for replacement.

Mr. Miner opened the public hearing.

Cynthia Gimenez, Applicant, stated that at the time of construction she was under the impression that they met all city requirements. The applicant stated that there is no other place on the property to place the recreational vehicle. Ms. Gimenez provided pictures that were taken from inside a vehicle on the street showing the vision triangle from three different angles.

Flo Gimenez, Applicant, stated that he called the city to find out if he needed a perm. for the new parking strip and he was told that as long as it was parallel to the drive way and does not extend onto the sidewalk a permit is not required. Mr. Gimenez stated that he spoke to his neighbors and they did not have any objections to the project. He also stated that if a yield sign needs to be put in as an extra precaution he would be willing to pay for that.

Gustav Larsson, Neighbor, stated that he is in support of the project and sent an email to staff stating the same. He also stated that the R.V. does not create a vision problem but his vision of on-coming traffic is blocked by the cars parked on the street.

John Doupe, Neighbor, stated that he is in agreement with Mr. Larsson.

Barry Brewer, Neighbor, stated that he is in opposition of the project due to the size and feels that it should be stored at an R.V. park. He also feels that it is a disaster waiting to happen. Mr. Brewer also mentioned that the applicants' R.V. is parked up against the house and the applicant would need to back up at least ten feet to get a good view if he can back out all the way or not. He also stated that the City just repaired the curbs in that area and an R.V. is just going to ruin them.

Bill Wright, Neighbor, stated that he does not feel this is a disaster waiting to happen and that there should be no problems as long as two people are present to assist in the R.V.'s movement. Mr. Wright also mentioned that there is a neighbor that stores their R.V. in front of the property on Bishop Ave and if this has to be removed it is only fair that the other one must be removed.

Tony Moore, Neighbor, stated that there is no visibility problem. He also mentioned that the R.V. has cameras that show what is behind the vehicle.

Ms. Gimenez stated that the vehicle is equipped with rear and side cameras and that the R.V. would never be moved by just one person. She also stated that the curbs were replaced down the street and that their curb was not replaced. Mr. Brewer wanted it noted that City employee that gave him the information was Joe Gonzalez.

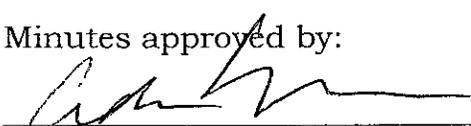
Mr. Miner closed the public hearing.

Mr. Miner denied the application due to the inability to make the findings.

Mr. Miner stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:25 p.m.

Minutes approved by:



Andrew Miner, Principal Planner

Appeal letter for file # 2008-0117, 520 Carroll Street

Findings:

1. Applicants have shown that there is not any other place on the property to park the R.V. This is confirmed in the staff report, page 5 *"There are no other options available to the applicant on their property. The rear yard setback is too shallow to allow the R.V. access to the rear yard."* On p. 6, section 1 states *"Staff believes that there are no exceptional circumstances on this property that restrict the parking of an R.V."* This seems contradictory to the previous statement. The applicants checked the City of Sunnyvale website regarding parking R.V.s before they purchased the current unit and again checked with the planning office by phone to confirm the requirements before laying the parking strips. The applicants were unaware of the 40' corner vision triangle requirement. To not allow the applicants to park their R.V. on their property, denies them the privilege that is enjoyed by other residents of the neighborhood.
2. The current placement of the R.V. on the property allows for safe vision as cars approach from any direction. This is clearly shown in the photos previously submitted. The posted speed limit on Carroll Street is 25 mph and common sense would dictate that any motorist would slow down when turning from one street to another, thereby allowing plenty of time to react to an unexpected obstacle in the roadway. Although a portion of the R.V. is in the corner vision triangle, it is less of a problem when looking for oncoming traffic than the vehicles parked on the street. Bishop St. is one block long, dead ends at Carroll and traffic is light. As noted on p. 5 of the staff report *"The R.V. could be parked on the street (including near the corner where it has an impact to vision) as long as it is moved every 72 hours."* All of the surrounding neighbors have indicated they much prefer the R.V. parked on the property.
3. Allowing a portion of the R.V. to remain in the vision triangle does not constitute a special privilege because there are numerous corner lots in Sunnyvale that do not have a clear 40 foot vision triangle. (List to follow) Holding the applicants for this variance to a higher standard than property owners with fences and buildings in the vision triangle is discrimination because an R.V. is involved.

PLANNING COMMISSION MINUTES OF JULY 28, 2008

2008-0117: Appeal of a decision by the Administrative Hearing Officer denying a Variance from Sunnyvale Municipal Code section 19.46.140 to allow a parked recreational vehicle in the corner vision triangle. The property is located at **520 Carroll Street** (at Bishop Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 209-31-026) GC (*Continued from June 23, 2008.*)

Gerri Caruso, Principal Planner, presented the staff report. She said staff is recommending the Commission uphold the decision of the Administrative Hearing Officer and deny the Variance. She noted that two letters and an e-mail were received after the report was completed and copies of those documents have been provided to the Commission this evening.

Chair Rowe opened the public hearing.

Cindy and Chris Gimenez, applicants, presented a PowerPoint presentation. Ms. Gimenez discussed that there is no other location on their property where they could place the RV (recreational vehicle), discussed that it would be difficult to turn the corner going more than about 15 miles per hour, and showed photographs of what the RV looks like parked on their property. She explained that before they purchased their RV and put in the parking strip that they researched the regulations for RVs on the City website and talked to staff in the Planning Division confirming what they had read on the website. She said they had the work done and parked their RV. She said they came home one day and found a notice on the RV that they were not in compliance with the corner vision triangle regulation. Ms. Gimenez said she took pictures of corner lots in her neighborhood that she feels do not meet the corner vision triangle including a newer home, fences and landscaping that the City has planted. She further explained that it would make sense to her to measure the corner vision triangle from the curb which would make their RV out of the corner vision triangle area. She referred to page 5 of the report regarding the reference to the possible installation of a three way stop sign. She said that she feels the pictures in her presentation show that there is not a visibility problem due to the RV. She said they have the support of most of their neighbors and that the neighbors are happy to not have the RV on the street. She said the RV has been on their property for about eight months, there have been no problems, and they would like to keep the RV where it is. She said it has been suggested that they secure off-site storage for the RV, which she said is difficult to come by at a reasonable price or nearby location. Ms. Gimenez said they bought the particular RV that they have based on their research because they knew it would fit in the space they had.

Comm. Sulser commented that the Commission is required to be able to make all three findings shown in Attachment A to grant the Variance and said the appellant seemed to address Findings 2 and 3, but not Finding 1. He asked the appellant if she had any comment about Finding 1. Mr. and Ms. Gimenez explained the size of their yards, the RV size and said there is no way to park the RV on the side yards or back yard. Ms. Gimenez said when they re-landscaped their yard they knew the regulations would not allow them to put the RV in the front yard parallel to the house.

Chair Rowe referred to page 6 of the report and asked staff about the reducible front yard. Ms. Caruso explained, by definition, that the short end of a lot is called the front and the long side of a corner lot is called the reducible front. Ms. Caruso said typically a house would have the front door facing the short end of the lot. She said the appellant's front door is facing the reducible front and the garage is on the front. Chair Rowe asked staff, if a fence is in a corner vision triangle and can be seen through, whether it is allowable on a corner. Ms. Caruso said that any fence whether it has an open or solid design, as long as it is less than three feet in height, it can be in the corner vision triangle. Chair Rowe said some of the pictures Ms. Gimenez presented looked like the fences were higher than what is allowed. Ms. Caruso said she could not comment about these pictures as this is an older section of town and each case would have to be researched to determine what the conditions were.

Gustav Larsson, a resident of Sunnyvale and neighbor, said he wanted to speak about the safety issue of this corner vision triangle. He said he drives by this corner often and has seen the RV parked in both the street and on their property. He said when the RV or other vehicles are parked on the street, the vision is blocked more than when it is on their property. He commented that his neighbors tried to do everything correctly by researching the website and speaking with staff and in the end they still did not get all the information they needed. He said he is concerned that as a homeowner that he could end up in the same position.

Ms. Gimenez asked how long the corner vision triangle regulations have been in force. Ms. Caruso said the regulations have been in place at least 16 years and probably longer. Ms. Gimenez said several of the fences and a corner of a house she showed in her presentation are all much newer additions. She said if their RV is a safety issue, why were these other corners allowed structures in the corner vision triangle.

Chair Rowe closed the public hearing.

Chair Rowe asked staff if they could comment about the home that Ms. Gimenez referred to that is in the corner vision triangle. Ms. Caruso said she thinks it was a recent remodel and the older portion of the house was already in the corner vision triangle, but without the address she is not sure.

Comm. McKenna commented that if she lived in this neighborhood she would prefer the RV be parked where it is rather than in the street. She asked staff how long a vehicle this size could be parked on the street. Ms. Caruso said the RV would need to be moved every 72 hours. **Kathryn Berry**, Senior Assistant City Attorney, said that the vehicle would need to be moved away from the site and not be parked continuously at this location. Ms. Berry commented that in the 1980s there was a complete overall of ordinance codes and that the corner vision triangle regulation was in place some time before that.

Comm. Sulser moved for Alternative 1 to uphold the decision of the Administrative Hearing Officer and deny the Variance. Vice Chair Chang seconded the motion.

Comm. Sulser said this is an awkward situation as the appellant went to great lengths to talk to the City about what to do in terms of RV parking. Comm. Sulser said he was unable to make the three findings for the Variance and for that reason he thinks the appeal should be denied. He said Variances are difficult to obtain and he does not feel this situation meets the requirements for a Variance.

Comm. Klein said he would be supporting the motion. He said when the study issue regarding the aesthetic impacts that RV parking could have on residential neighborhoods was reviewed and considered by the Planning Commission and the City Council in 2003 that the vision triangle issue was considered. Comm. Klein said the Commission is trying not to set precedent and are trying to follow City rules. He said the code says that no parking is allowed in the 40 foot corner vision triangle area. He said he understands that the applicant made efforts to beautify this location, but that the Commission's hands are tied as far as applying the Variance. Comm. Klein said he applauds the applicant for working with the neighbors.

Comm. McKenna said that this is a very difficult issue as the applicant has made an effort to prepare their lot to accommodate the RV and reduce the impact on their neighbors. She said the reason she is supporting the motion is that this is a safety issue. She said drivers traveling north on Carroll making a right hand turn on to Bishop would have their vision blocked by the placement of the RV.

ACTION: Comm. Sulser made a motion on 2008-0117 to uphold the decision of the Administrative Hearing Officer and deny the Variance. Vice Chair Chang seconded. Motion carried, 6-0-1, with Comm. Hungerford absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than August 12, 2008.

August 12, 2008 Appeal letter for file # 2008-0117, 520 Carroll Street

1. Many property owners in the neighborhood and all over Sunnyvale, park their RV's on their property because it is safer than public storage. We checked the City of Sunnyvale website regarding parking R.V.s before purchasing the current unit and again checked with the planning office by phone to confirm the requirements before laying the parking strips. We were unaware of the 40' corner vision triangle requirement. There is no where else on the property to park the RV.
2. The current placement of the R.V. on the property allows for safe vision as cars approach from any direction. The posted speed limit on Carroll Street is 25 mph; the only problems on the street are those created by speeding.
3. There are numerous corner lots in Sunnyvale with houses, buildings and fences in the corner vision triangle. If the reason for the corner vision triangle ordinance is safety, then it should be applied to all lots. Otherwise, denying this variance would be discrimination because a recreational vehicle is involved.