



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**March 12, 2008**

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**SUBJECT:**           **2008-0117:** Application 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

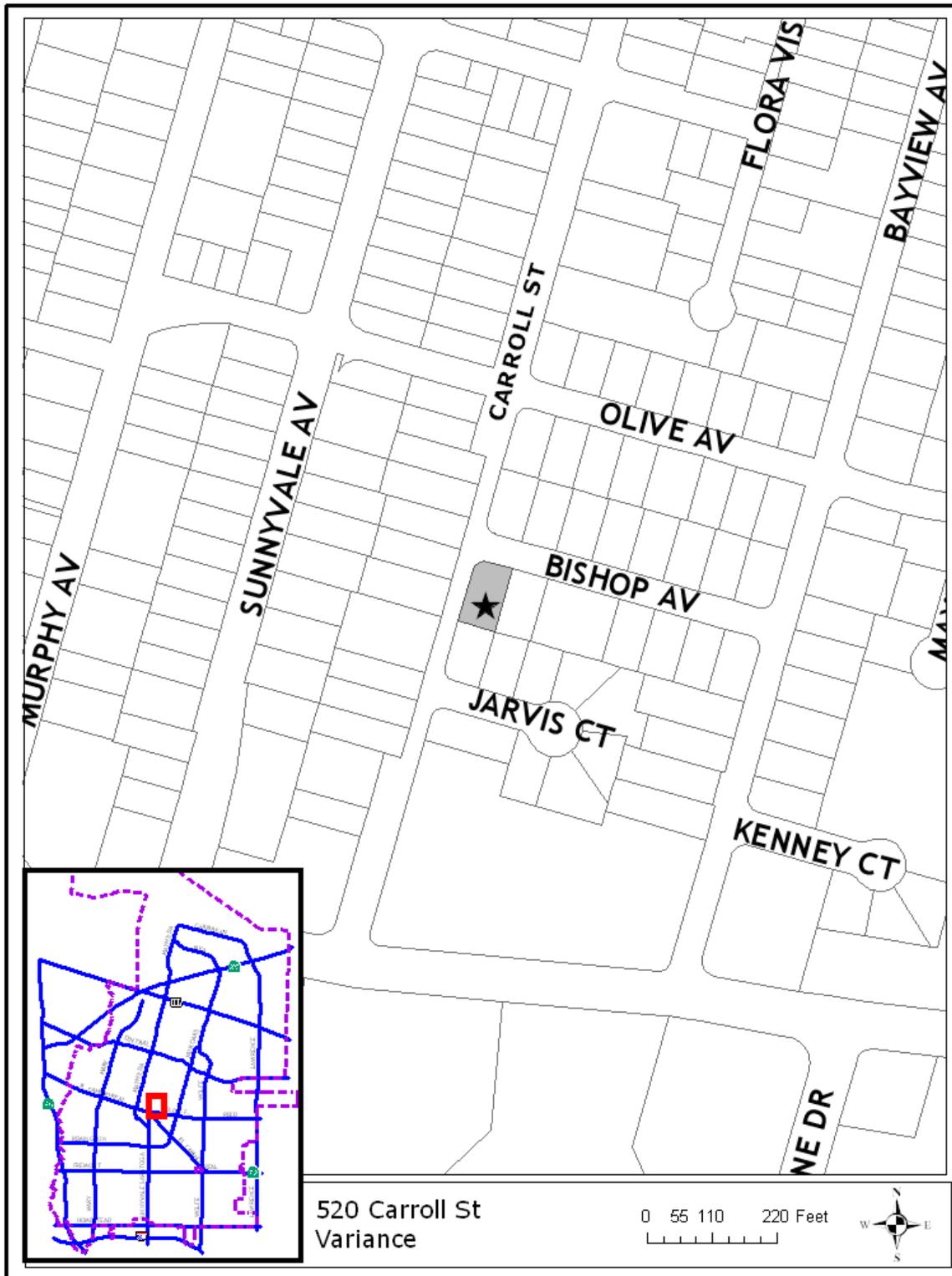
**Surrounding Land Uses**

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.

**Staff Recommendation**           Deny due to inability to make required findings



**PROJECT DATA TABLE**

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

**Background**

**Previous Actions on the Site:** There are no previous related Planning applications for associated with this property.

**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 R.V. 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. Such parking shall be limited to currently registered, operable vehicles, trailers and boats, and shall be on a stabilized permanent surface. Such parking area shall not cover more than 50% of any required front yard. An operable vehicle is a vehicle that can move under its own power and which can operate legally and safely on the highways of the state.

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.

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 R.V. 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.

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 vehicle, pedestrians and bicycles at street corners. In this case the approximately 11 foot tall R.V. blocks the farthest eastern edge of the vision triangle from the corner Bishop Street and Carroll Street. Although the R.V. 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 R.V. 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 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. Without the Variance, the applicant will need to consider off-site storage.

## Public Contact

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Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• # 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 Website</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>• City of Sunnyvale's Website</li> </ul>

## Conclusion

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### 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

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.

Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

### **Alternatives**

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1. Deny the Variance.
2. Approve the Variance with recommended Conditions of Approval
3. Approve the Variance with modified Conditions of Approval.

**Recommendation**

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Staff recommends Alternative 1 for the Administrative Hearing Officer to deny the Variance.

Prepared by:

Gerri Caruso  
Project Planner

Reviewed by:

Steven Lynch  
Senior Planner

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

**Recommended Findings - Variance**

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**Recommended Conditions of Approval - Variance**

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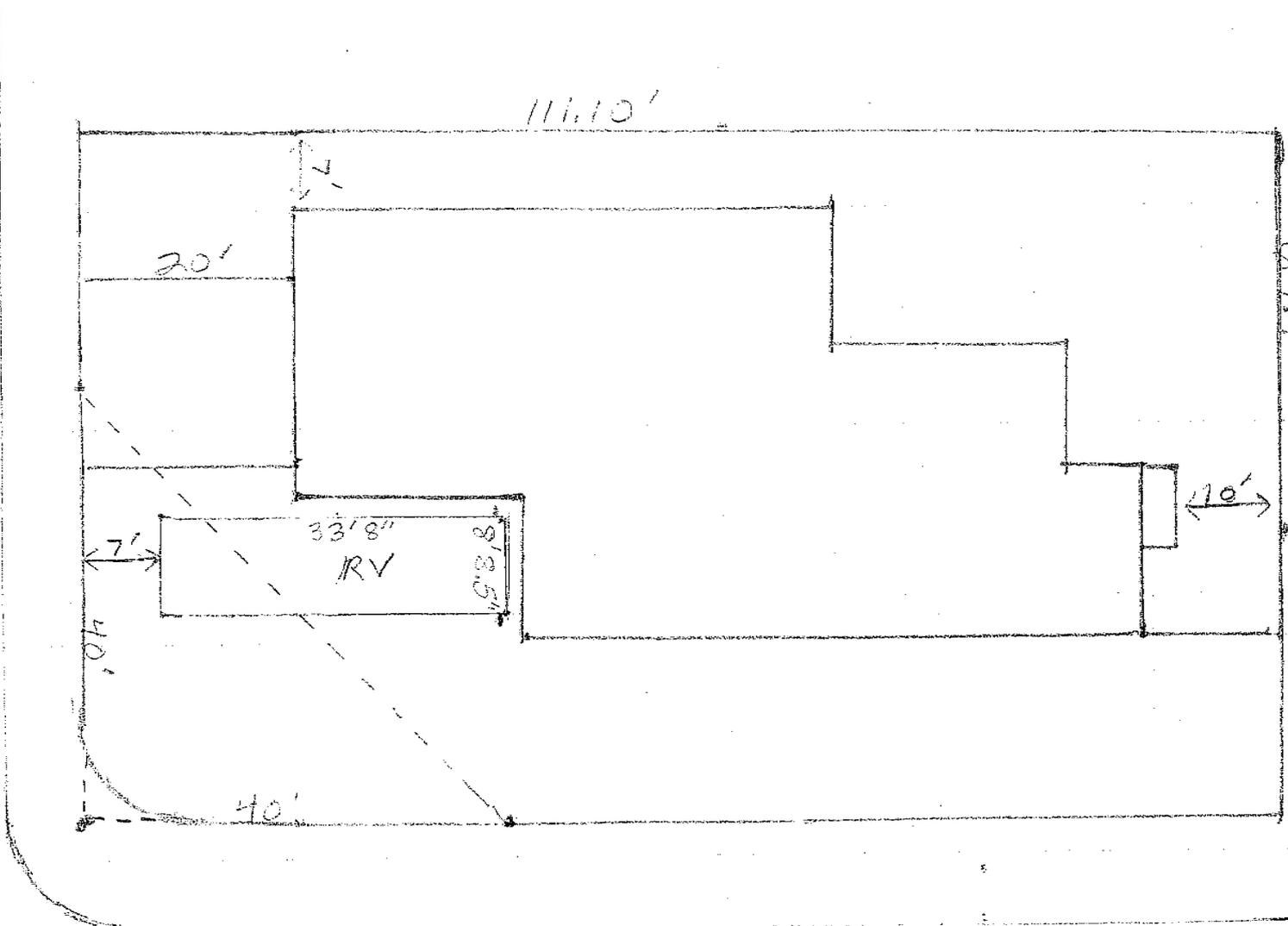
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

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.

Bishop Street



520 Carroll Street

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.

**ATTACHMENT F**

Page 2 of 2

**From:** Ron Ritucci <~~rritucci@stanford.edu~~>  
**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".

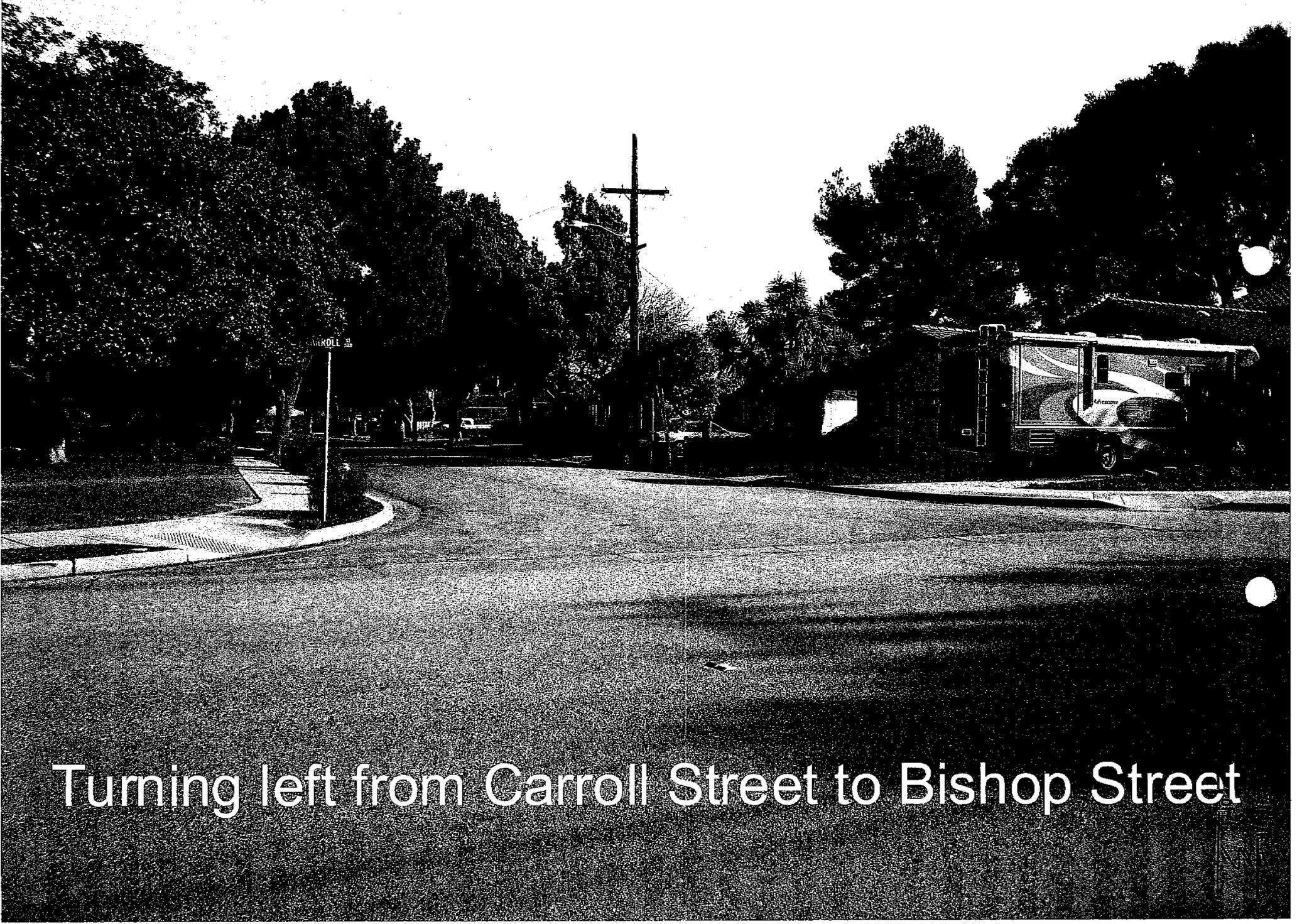
Should you have any questions, please feel free to contact me at 408-245-2646.

Sincerely,

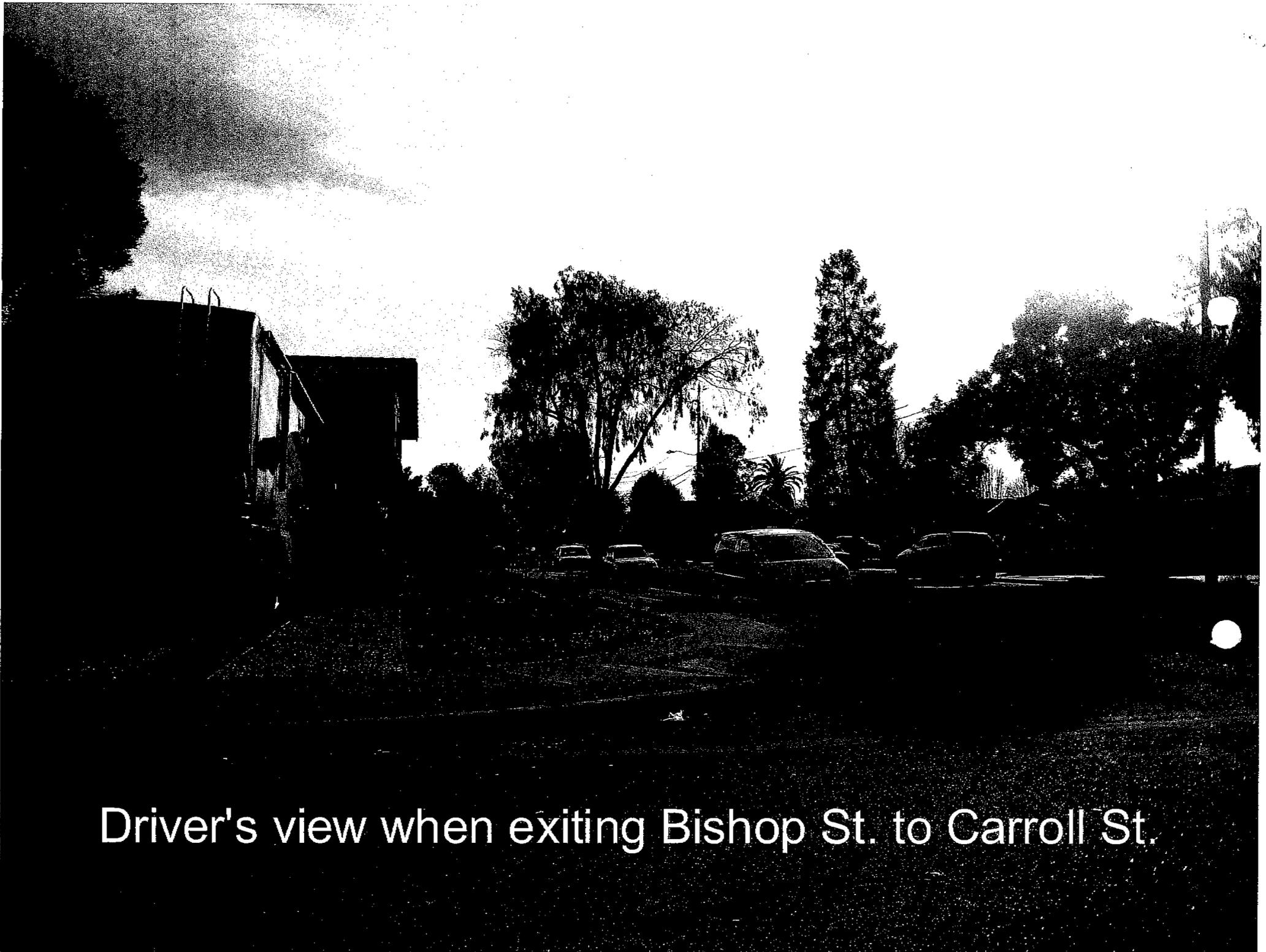
Ronald R. Ritucci  
560 So. Taaffe Street  
Sunnyvale, CA 94086



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



Turning left from Carroll Street to Bishop Street



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

ATTACHMENT FPage 1 of 2**Gerri Caruso - File Number 2008-0117**

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

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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

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