

**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.**