

Planning Commission Staff Report

May 16, 2007
Item 6.a.

SUBJECT: PCUP-191

**APPLICANT/
PROPERTY OWNER:** Derek Barragan

PURPOSE: Application for conditional use permit to allow the storage of a 32-foot long trailer in the side yard.

GENERAL PLAN: Medium Density Residential

ZONING: R-1-6,500 (Single-Family Residential, 6,500 square feet minimum lot size) District

LOCATION: 1971 Brooktree Way

ATTACHMENTS:

1. Exhibit "A" – Site Plan and Description of the Request
2. Exhibit "B" – Proposed Conditions of Approval
3. Exhibit "C" – Letter from Mr. Brian Waters, including a letter from Ms. Rebecca Carter
4. Exhibit "D" – Public Comments
5. Location Map

I. BACKGROUND

In August 2006, a complaint was filed by Rebecca Carter, resident at 1963 Brooktree Way, concerning a trailer over 25 feet in length that was parked at 1971 Brooktree Way, an adjoining property to the south. The City Code Enforcement officer met with the Barragans, residents of 1971 Brooktree Way and owners of the trailer. Mrs. Barragan indicated that the trailer would be stored at the subject site.

In January 2007, Ms. Carter again contacted Code Enforcement, stating that the storage of the trailer in the side yard impacted her enjoyment of her backyard and the aesthetic beauty of the

neighborhood. In March 2007, Mr. Brian Waters, attorney representing Ms. Carter, wrote to the City stating that storage of the trailer at the subject location prior to use permit approval is a violation of the Pleasanton Municipal Code.

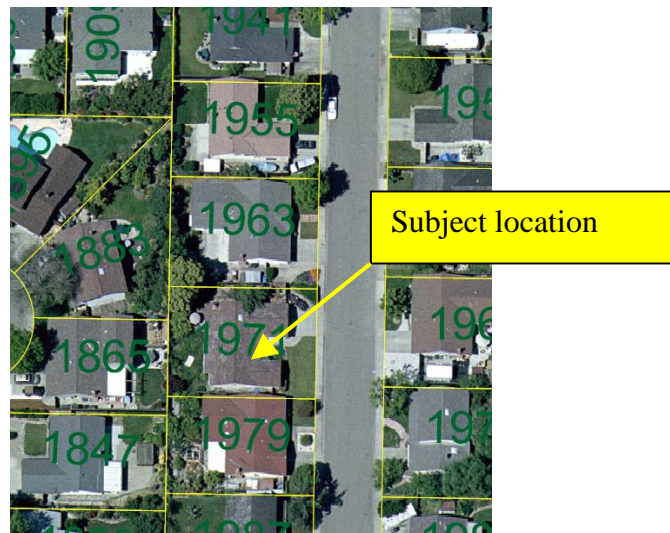
Section 18.84.270 of the Pleasanton Municipal Code, Types of Vehicles and Parking Locations permitted In R District, states:

“A. Except as specified in a use permit authorizing a conditional use, no truck or bus larger than one-ton capacity and no trailer longer than twenty five feet (25’) shall be parked or stored on a site.”

On March 30, 2007, Derek Barragan applied for a conditional use permit for storage of the 32-foot long trailer in the side yard.

II. SITE AND PROJECT DESCRIPTIONS

The subject site is a rectangular-shaped lot, measuring 75 feet wide by 100 feet deep. The site is relatively flat with a one-story home. A six-foot high wooden fence with a one-foot lattice is located on the property line separating the subject lot from adjoining property at 1963 Brooktree Way.



The trailer is currently stored in the northern side yard, abutting the property at 1963 Brooktree Way. This trailer is 32 feet long, eight feet wide, and approximately 12 feet tall.

III. ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

To investigate the situation, staff visited the site and viewed the trailer from the Carter’s at 1963 Brooktree Way.

The trailer is stored between the two houses. It may not be visible from the back patio door at the Carter’s house; however, it is in full view when standing at the deck area and/or in the rear yard. The trailer appears to be more intrusive as there is no landscaping between the properties to provide necessary screen. Ms. Carter pointed to staff that when the side of the trailer was popped out, it felt that as if someone was looking directly into her side and rear yard, impacting her privacy. Staff has also met with the Barragans and Ms. Carter to discuss possible mitigations to screen the trailer. Possible mitigations include planting trees, and increase the height of the common fence.



View of the trailer from street



View of the trailer from Ms. Cater’s backyard

During the site visits, staff also observed a similar sized vehicle parked/stored in the side yard of a property near the Barragan’s on the same street. This vehicle was not very noticeable as the vehicle was covered and that it was screened by existing trees. Staff then visited the neighborhood and noticed several motorhomes/RVs/trailers parked/stored on the residential properties.

The Pleasanton Municipal Code sets limits on trailers to be parked/stored in a residential property. It does not provide any limitations or restrictions on the vehicle’s dimension if it were

a motorhome. The Pleasanton Municipal Code allows motorhomes be stored/parked in the side yard of a residential property adequately screened from view from the street is provided.

If the vehicle is covered and is stored behind a gate in a side yard, it is hard to differentiate from the appearance whether it is a motorhome or trailer. With the same dimension, the visual impact of a covered motorhome parked/stored in the side yard would have a similar impact as a covered trailer. If the Municipal Code does not provide any restrictions on a motorhome, then it would be difficult to pursuant the public that regulations shall be placed on a trailer of similar dimension.

Staff however believes that proper screening of this trailer when viewed from Ms. Carter's backyard or from the other residents on the same street necessary. Staff therefore recommends the following mitigation measures:

- ❑ The trailer shall be covered at all time when it is stored in the side yard.
- ❑ Side pop-out is not allowed to open when the trailer is stored at the subject site.
- ❑ The applicant should modify the common fence between the subject site and Ms. Carter to add an addition foot of open lattice.
- ❑ The applicant shall plant trees along the common fence on the applicant's site to screen the trailer. The tree species should be fastgown, evergreen in order to provide year-around screen and agreed upon by Ms. Carter. The length of the planting strip should cover the entire length of the common fence or agreed upon by Ms. Carter.
- ❑ The trees should be a combination of five and 15-gallon size.
- ❑ Modification to the fence and the planting of trees should be complete within thirty (30) days.

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within the business park and within 1,000 feet of the business park boundaries.

Rochelle Flotten, 1805 Foxborough Court, contacted staff, stating that it is inappropriate to store a trailer of this size in a residential neighborhood.

John Malindzak, 1758 Orchard Way, contacted staff, stating that a trailer of this size should not be allowed in residential district.

Dana Thibodeau, wrote to staff expressing concerns of having trailers parked in the neighborhood.

Harriet and Allen Fox, wrote to staff expressing concerns of having trailers parked in the neighborhood.

V. FINDINGS

The Planning Commission must make the following findings prior to granting a use permit:

A. That the proposed locations of the conditional uses are in accordance with the objectives of the zoning ordinance and the purpose of the district in which the sites are located.

The objectives of the zoning ordinance include fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The trailer in question is larger in size, and it has causes a visual impact to the adjoining neighbors. However, staff believes, with the proposed conditions, this visual impacts could be mitigated by modifying the existing fence and planting trees for year-around screening. Therefore, staff can make this finding.

B. That the proposed location of the conditional uses and the conditions under which they would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

If it is covered and parked/stored by a gate, the visual impact of a 32-foot long motorhome is very similar as a 32-long trailer. The issue associated with the trailer in question is aesthetic it bring to the neighborhood. If it could be mitigated through modification of the fence and planting trees for screen, the visual issue would be lessened. Staff does not believes the trailer itself present a danger to the general public. Rather it is the unpleasant appearance it presents. With the proposed conditions, staff believes that the visual impacts would be mitigated. Therefore, staff can make this finding.

C. That the proposed conditional uses will comply with each of the applicable provisions of the zoning ordinances.

Granting a conditional use permit to the applicants would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. Therefore, staff believes that the third finding can be made.

VI. ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1.

VII. CONCLUSION

This is a sensitive issue. Motorhome of similar size is allowed to be parked/stored in a side yard of a residential property if proper screening is provided; however, a trailer cannot unless a conditional use permit is granted. When all circumstances are equal, i.e. the vehicles are covered and stored behind a gate/fence, no obvious indication would allow a person to easily differentiate a motorhome from a trailer. In staff's opinion, both vehicles would present similar visual impacts; thus, it becomes difficult to allow one vehicle to store in a residential lot while to disallow the other. However, staff believes that it is necessary to lessen the visual impact as said trailer is now stored in a plain view without screening. Staff believes that with the proposed conditions, issues addresses by Ms. Carter and other neighbors could be mitigated.

VIII. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-191 by taking the following actions:

1. Make the required conditional use findings as listed in the staff report; and,
2. Approve Case PCUP-191 subject to the conditions listed in Exhibit "B".

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