



MEMORANDUM

TO: PLANNING COMMISSION

FROM: TERESA McCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING, ^{MD} ASSISTANT PLANNER

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING APPEAL TO PLANNING COMMISSION CASE NO. 15-001 AND DENYING MINOR EXCEPTION 15-003; LOCATION – 257 LA CRESTA DRIVE; APPELLANT – KRISTIN HAMMOND

DATE: JUNE 16, 2015

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution approving Appeal Case No. 15-001 and denying Minor Exception Case No. 15-003.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

None.

BACKGROUND:

On April 22, 2015, the Community Development Director approved Minor Exception Case No. 15-003 for the installation of an eight foot (8') fence near the rear property line of 257 La Cresta Drive pursuant to Municipal Code Section 16.16.100.B.1. On May 1, 2015, the appellant submitted an appeal of this determination to the Planning Commission. At the regular meeting of May 19, 2015, the Planning Commission reviewed the appeal of Minor Exception Case No. 15-003, considered all the facts and public testimony, took tentative action to approve the appeal and deny the proposed project, and directed staff to return with a resolution with appropriate findings for denial of the project.

ANALYSIS OF ISSUES:

Staff has developed findings for approving the appeal and denial of the proposed fence. Findings required for approval of the project that could not be made in the affirmative based on Planning Commission discussion are indicated in bold italics in the attached resolution.

Although an eight foot (8') fence would be denied, the applicant would maintain the ability to construct a six foot (6') fence in accordance with Municipal Code Subsection 16.48.070.A.2., which states "A wall, hedge or fence not more than six feet in height

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may be maintained along any interior side yard, rear yard, or street side yard; provided that such wall, hedge or fence does not extend into the required front yard”.

ALTERNATIVES:

The following alternatives are presented for the Planning Commission’s consideration:

- Adopt the attached Resolution approving Appeal Case No. 15-001 and denying Minor Exception Case No. 15-003;
- Modify and adopt the attached Resolution approving Appeal Case No. 15-001 and denying Minor Exception Case No. 15-003;
- Do not adopt the attached resolution; or
- Provide direction to staff.

ADVANTAGES:

Adoption of the Resolution would approve the appeal and deny the construction of a fence, wall, or hedge greater than six feet (6’) at 257 La Cresta Drive, consistent with the tentative action taken by the Planning Commission on May 19, 2015.

DISADVANTAGES:

Denying the project would not allow an application for the same or substantially similar project to be resubmitted for one year, in accordance with Section 16.12.120 of the Municipal Code.

ENVIRONMENTAL REVIEW:

Staff has reviewed the project in accordance with the California Environmental Quality Act (CEQA) and determined that it is categorically exempt per Section 15305 of the CEQA Guidelines regarding minor alterations in land use limitations.

PUBLIC NOTIFICATION AND COMMENTS:

The agenda and staff report were posted at City Hall and on the City’s website on June 12, 2015.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING APPEAL CASE NO. 15-001 AND DENYING MINOR EXCEPTION CASE NO. 15-003; LOCATED AT 257 LA CRESTA DRIVE; APPLIED FOR BY FRANK GANDOLFO; APPEALED BY KRISTIN HAMMOND

WHEREAS, on April 13, 2015, the applicant submitted an application for Minor Exception No. 15-003 for the construction of an eight foot (8') fence at the rear lot line of his property located at 257 La Crest Drive, citing privacy issues due to sloping terrain; and

WHEREAS, on April 22, 2015, the Community Development Director approved Minor Exception No. 15-003 based upon the findings for approval of the permit pursuant to Municipal Code Section 16.16.100; and

WHEREAS, notices of the Community Development Director's determination were mailed to all property owners within 300' of the project site to alert them of the approved request to deviate from fence height standards; and

WHEREAS, on May 1, 2015, an appeal of the approval was filed with the Community Development Secretary by Kristin Hammond; and

WHEREAS, on May 19, 2015, the Planning Commission reviewed the project at a duly noticed public hearing on May 19, 2015, considered all written evidence and oral testimony; and

WHEREAS, the Planning Commission has reviewed the project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined that the project is exempt per Section 15305 of the CEQA Guidelines regarding minor alterations in land use limitations; and

WHEREAS, on May 19, 2015, the Planning Commission tentatively approved the appeal, denying the project, and directed staff to return with a resolution approving the appeal with appropriate findings for denial of the minor exception; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist and findings can be made:

Minor Exception Findings:

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship;

Strict enforcement of limiting the rear yard fence height to six feet (6') would not result in a practical difficulty or unnecessary physical hardship due to alternative screening methods being available to ensure adequate and customary privacy between the subject property and adjacent properties without the need for a fence higher than that allowed under the Municipal Code.

2. There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same district;

The subject property and the surrounding residential neighborhood are located in an area of sloping terrain that impacts other properties similarly as it does the subject property.

3. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other property owners in the same district;

Strict enforcement of limiting the rear yard fence height to six feet (6') would not deprive the applicant of privileges enjoyed by other property owners due to alternative screening methods being available to ensure adequate and customary privacy between the subject property and adjacent properties without the need for a fence higher than that allowed under the Municipal Code.

4. The granting of the minor exception will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same district and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;

The residential neighborhood surrounding the subject property is located in an area of sloping terrain and granting the minor exception would be inconsistent with the limitations on other properties in the surrounding area.

5. The granting of a minor exception is consistent with the objectives and policies of the General Plan and the intent of Title 16 of the Municipal Code;

The objectives of the General Plan are implemented through the Municipal Code and the proposed project is inconsistent with the purpose and intent statement of the Minor Use Permit-Minor Exception provisions in the Municipal Code due to the request being incompatible with adjoining uses.

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NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby approves Appeal Case No. 15-001 and denies Minor Exception Case No. 15-003 based on the above findings.

On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing Resolution was adopted this 16th day of June 2015.

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ATTEST:

DEBBIE WEICHINGER,
SECRETARY TO THE COMMISSION

LAN GEORGE, CHAIR

AS TO CONTENT:

TERESA McCLISH,
COMMUNITY DEVELOPMENT DIRECTOR