

City of Burlingame

Fence Exception

Item No. 8a
Regular Action Item

Address: 1515 Willow Avenue

Meeting Date: September 14, 2020

Request: Application for Fence Exception to increase the fence height along the left side property line to 8'-0" above grade.

Applicant and Designer: Mika Hamamura

APN: 028-141-250

Property Owners: Jamie Freedman and Jill Loftiss

Lot Area: 7,749 SF

General Plan: Low Density residential

Zoning: R-1

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Article 19, Section: 15303 – new construction or conversion of small structures - (e) accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

Project Description: The subject property is an interior lot that borders a nonconforming duplex on the left side; this neighboring lot has an open backyard with clear visibility from the subject property to the nearby three-story apartment building at 789 El Camino Real. The neighboring lot also has a dedicated parking area at the rear of the lot, for the tenants at 789 El Camino Real.

The applicant is requesting a Fence Exception to allow a proposed 8'-0" tall fence along the left side property line in the rear half of the lot. In the R-1 District, the maximum allowed fence height along the side and rear property lines is 7'-0", provided that the last 1'-0" in height is of an open design freely allowing light and air to pass through. The applicant is proposing to maintain the existing 6'-0" redwood fence and add 2'-0" of opaque white polycarbonate panel on top, for a total fence height of 8'-0". Staff would note that a fence is not required to be erected or maintained on any R-1 property.

The applicant is requesting the following application:

- Fence Exception to increase the fence height along the left side property line to 8'-0" above grade (6'-0" tall solid fence with 2'-0" opaque material on top proposed, where 7'-0" is the maximum height allowed (with the last 1'-0" made of an open design) (CS 25.78.020 (b))).

Staff Comments: None.

Required Findings for a Fence Exception: In order to grant a Fence Exception, the Planning Commission must find the following conditions exist on the property (Code Section 25.78.050 (a-d)):

- (a) that there are exceptional circumstances;
- (b) that there is no public hazard;
- (c) that neighboring properties will not be materially damaged; and
- (d) that the regulations cause unnecessary hardship upon the petitioner.

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Suggested Findings for a Fence Exception: That there are exceptional circumstances, in that the subject property is adjacent to a parking lot for apartment dwellers and within close proximity to a multifamily residential structure; that there is no public hazard, in that the fence is not located within the public right-of-way; that neighboring properties will not be materially damaged since the request includes a minor increase in the allowed fence height; and that the regulations cause unnecessary hardship upon the petitioner, in that the regulations would not otherwise permit construction of a fence to provide privacy from vehicles from the neighboring apartment complex. Therefore, for these reasons the project may be found to be compatible with the Fence Exception criteria.

Planning Commission Action: The Planning Commission should conduct a public hearing on the application, and consider public testimony and the analysis contained within the staff report. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. At the public hearing the following conditions should be considered:

1. that the project shall be built as shown on the plans submitted to the Planning Division on July 15, 2020;
2. that if the fence is demolished or the envelope changed at a later date, the fence exception, as well as any other exceptions to the code granted here, will become void;
3. that the applicant shall obtain a building permit for the fence; and
4. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, in effect at the time of building permit submittal, as amended by the City of Burlingame.

'Amelia Kolokihakaufisi
Associate Planner

c. Mika Hamamura, applicant and designer

Attachments:

Application to the Planning Commission
Fence Exception Application
Planning Commission Resolution (Proposed)
Notice of Public Hearing – Mailed September 4, 2020
Area Map