



## Legislation Text

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File #: 19-436, Version: 1

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**RESOLUTION No. 2019-007** of the Board of Zoning Adjustments of the City of San Leandro, approving a Fence Modification for PLN19-0017 at 4021 Monterey Blvd.

**WHEREAS**, Nolan P. Quinabo & Victor Aguilar Jr. (“Applicant”) submitted an application for a Fence Modification to allow for a ±6-foot-tall redwood fence to encroach approximately 4 feet, 6 inches (the fence is assumed to be set back 3-feet from the property line) into the required side yard to allow for an expanded enclosure of the side yard at 4021 Monterey Blvd., zoned RS (Single Residential District) in the Floresta Gardens neighborhood (PLN19-0017) (“Project”); and

**WHEREAS**, 4021 Monterey Blvd. (“Property”) is a residential property approximately 6,279 square feet in area, developed with a 1,505 square-foot, two story residence; and

**WHEREAS**, the Property is zoned (RS) Single Residential District and has a General Plan designation of (RL) Low Density Residential; and

**WHEREAS**, Section 4-1682 of the San Leandro Zoning Code contains provisions to accommodate a Fence Modification so long as the fence does not create any sight distance hazards, the fence is not detrimental to adjacent properties, the fence is compatible with neighborhood in terms of aesthetics, and the fence is not detrimental to the public, health, safety or welfare; and

**WHEREAS**, the Project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301(e)(2) - additions to existing structures provided that the addition will not result in an increase of more than 10,000 sq. ft.; and

**WHEREAS**, the Zoning Enforcement Official has referred this fence modification request for consideration by the Board of Zoning Adjustments; and

**WHEREAS**, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on June 6, 2019, at which time all interested parties had the opportunity to be heard. Following the receipt of public comments, the Board of Zoning Adjustments was unable to make an affirmative decision regarding the requested Fence Modification and the item was rescheduled and noticed for the subsequent hearing date in accord with Title 15 of the San Leandro Administrative Code; and

**WHEREAS**, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on August 1, 2019, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Board of Zoning Adjustments fully considered the Project application and entitlements, applicant’s statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

**WHEREAS**, the Board of Zoning Adjustments finds that the staff report, Categorical Exemption from CEQA, and standards for approval reflects the City's independent judgement and analysis of the Project; and

**WHEREAS**, the City's General Plan and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City's website.

**NOW, THEREFORE, BE IT RESOLVED THAT:** The above and forgoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED THAT:** In accord with the Standards for Approval for a Fence Modification identified in Section 4-1682 of the Zoning Code, the Board of Zoning Adjustments of the City of San Leandro does hereby make the following findings and determinations regarding the proposed Project:

1. Sight Distance Hazards. The subject property is a corner lot, located on the northwest corner of Monterey Blvd. and Crespi Drive. The fence is located within the required side street yard setback along Crespi Dr. The driveway for the residence Monterey Blvd. and is located on the eastern side of the residence and presents no conflict with the existing front yard fence location. The City's Traffic Engineer reviewed the existing fence location (front and side yard fencing) and has determined that it is located outside the standard 15-foot vision triangle, necessary to safely accommodate driveway visibility for vehicles and pedestrians.
2. Adjacent Properties. Although the fencing, in its current location, exceeds the maximum height allowed by the Zoning Code, it does not obstruct a protected view or create negative sight distance effects on adjacent properties and therefore would not be detrimental to adjacent properties.
3. Aesthetics. The existing fence is built of redwood construction and is comparable to other fences constructed throughout the Floresta Gardens neighborhood. The setback area along the Crespi Dr. frontage between the back of sidewalk and the fence shall be landscaped, thereby 'softening' the streetscape in this zone. The landscaping shall be drought tolerant plant materials from the city's approved landscape palette and shall include irrigation to maintain healthy plant growth at all times. The design of the fence is therefore comparable with the neighborhood in terms of aesthetics.
4. Public Health, Safety, Welfare. The location and design of the existing fence complies with sight visibility and construction quality and therefore does not pose any dangers to the public's health, safety or welfare. No site restrictions are created by its location and height and an ample landscaped foundation to the fence will be created by the property owner for the public benefit.

**BE IT FURTHER RESOLVED THAT:** based on the aforementioned standards for approval and findings of fact, and subject to the conditions of approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference regarding the proposed Project, the Board of Zoning

Adjustments of the City of San Leandro does hereby approve a Fence Modification for 4021 Monterey Blvd.