

RESOLUTION NO. PC-XXXX-25

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN LUIS OBISPO, CALIFORNIA, DENYING AN APPEAL AND
UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S
DECISION APPROVING THE FENCE HEIGHT EXCEPTION
APPLICATION FNCE-0686-2024 REGARDING FENCES, WALLS, AND
HEDGES AT 1425 SYDNEY STREET (APPL-0248-2025)**

WHEREAS, on March 24, 2025 the Community Development Director approved certain exceptions from standards applicable to fences, walls, and hedges under Fence Height Exception application FNCE-0686-2024, to accommodate fencing and hedges at 1425 Sydney Street; Lacey and Jake Minnick, applicants, and

WHEREAS, On April 3, 2025, Craig and Allison Brandum filed an appeal of the Community Development Director's decision to approve the Fence Height Exception application; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, on June 11, 2025, to consider the appeal of the Community Development Director's decision; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and evaluation and recommendations by staff presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1. Findings. Based upon all the evidence, the Commission makes the following findings:

1. Granting the requested exceptions is consistent with the intent of the City's Zoning Regulations and applicable General Plan policies. Consistent with Policy 2.3.11 of the Land Use Element of the City's General Plan, the fencing and hedges depicted in plans provide privacy between adjacent dwellings and outdoor areas while maintaining an attractive residential setting by use of wood material and landscape plantings. Zoning Regulations Section 17.70.070 (H) provides for consideration of exceptions to standards for fence height to address issues related to privacy and other circumstances.
2. Granting the requested exceptions is consistent with the character of the neighborhood. Fencing proposed in plans is of wood materials and of a conventional design associated with residential development. Proposed hedges depicted in plans are "Pittosporum Silver Sheen," or similar, appropriate for residential landscaping.

R _____

3. As conditioned to limit the extent and excess height of fences and hedges, granting the requested exceptions provides adequate consideration of and measures to address any potential adverse effects on surrounding properties. Along the northeast side of the property, the height exception is limited by Condition #1 to the minimum extent (40 feet in length) and the minimum height necessary (eight feet, where the standard limit is six feet) to provide adequate privacy between windows and outdoor areas of adjacent dwellings where the adjacent property is at a higher grade. The limited extent and height minimize the impact to solar exposure enjoyed by the adjacent dwelling and, due to a small increase (one foot) in ground height between the properties, results in an apparent maximum hedge height of only seven feet, as perceived from the adjacent property. Along the southwest side of the property, the approved exception allows fencing up to seven feet in height (where six feet is the standard limit), however the combined height of the retaining wall and fence remains consistent with the nine-foot limitation set out in Zoning Regulations Section 17.70.070 (F)(3).
4. While the difference in ground height between adjacent properties and the elevated floor level of the adjacent residence to the northeast make strict adherence to standards for fence and wall height impractical, granting the requested exceptions conforms with the intent of the standards for fences, walls, and hedges set out in Zoning Regulations section 17.70.070. The exceptions achieve a balance between concerns for privacy and the need to provide privacy, security, and useable outdoor area of the occupants of the property. The exception applies to limited areas within the site, preserving the community appearance, visual image of the streetscape, and overall character of neighborhood, and does not unduly interfere with provision of adequate light and air to the site or to neighboring property.

SECTION 2. Environmental Review. Consideration of an exception to fence and wall height standards is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New construction or conversion of small structures).

SECTION 3. Action. The Planning Commission does hereby deny the subject appeal filed by Craig and Allison Brandum, and upholds the Community Development Director's decision to approve exceptions to standards for fences, walls, and hedges at 1425 Sydney Street, under Fence Height Exception application FNCE-0686-2024, based on the above findings, and subject to the following conditions:

Planning

1. **Limited exception.** The exception granted by this approval is limited to the location, extent, and height of the fencing and hedges depicted in plans dated February 8, 2025, and submitted to the Community Development Department on February 10, 2025, except that excess height for hedges allowed under this approval shall be limited to the portion of the northeast side setback extending no more than 40 feet toward the street from the front wall of the garage depicted in plans, and the maximum height of hedges in this area may not exceed eight feet. This approval shall not be construed to allow excess hedge height outside of this limited area. The maximum height of fencing located on the retaining wall along the southwest side setback shall not exceed seven feet in height, as depicted in plans. Any significant modification to the height, placement, extent, or design of proposed fencing or hedges in the

area of exception shall be subject to the review and approval of the Community Development Director.

2. Design and Materials. Fencing installed within the setback areas under this exception shall be of wood material and of a conventional design consistent with the residential character of the site and vicinity, as depicted in plans.

Indemnification

3. The Owner/Applicant shall defend, indemnify and hold harmless the City or its agents or officers and employees from any claim, action or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the City's approval of this project. The City shall promptly notify the Owner / Applicant of any such claim, action or proceeding upon being presented therewith, and the City shall cooperate fully in the defense of said claim.

Upon motion of Commissioner Jorgensen, seconded by Commissioner Kahn, and on the following roll call vote:

AYES:

NOES:

RECUSED:

ABSENT:

The foregoing resolution was adopted this 11th day of June, 2025.

Rachel Cohen, Secretary
Planning Commission